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JOURNALS OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS

VOLUME IV

Committee of Publication

HENRY CABOT LODGE
WILLIAM BRADFORD HOMER DOWSE
WORTHINGTON CHAUNCEY FORD

MHS

Jeremiah Dummer
Agent in London of the Province
of the Massachusetts-Bay

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JOURNALS

of the

House of Representatives

of Massachusetts

1722-1723

Published at the Charge of the Dowse Fund

190213.
9.7.24.

THE MASSACHUSETTS HISTORICAL SOCIETY

1923

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Contents

Introduction ix

General Court, 1722–1723

First Session, May 30–July 7, 1722 1
Second Session, August 8–August 18, 1722 79
Third Session, November 15, 1722–January 19, 1723 101

Index 219

Illustrations

Jeremiah Dummer *Frontispiece*
Declaration by the Governor, July 25, 1722 79

Introduction

THE outstanding act of the General Court of 1722–1723 was the declaration of war against the Indians. The attitude of the Eastern Indians, those, most open to French influence, had become more menacing and late in June definite information was received of hostile acts, houses burned, cattle killed and captives taken. Expresses were sent to towns east of Merrimack River to warn them of their danger, the forces intended for the defence of that region were ordered to repair to their respective posts,[1] and a joint committee prepared a general plan for seizing as many Indians as they had made captives, especially to seize the Jesuit Rale, to renew the ancient amity with the Five Nations and induce them to engage on the side of the English, to provide whale-boats and a sloop and, if further outrages be committed, to increase the forces by two hundred men.[2] The plan involved too much to be accepted in its entirety, and while the additional force was approved and whale-boats ordered, recourse was had to a remonstrance to the Norridgewock Indians for their misbehavior and an enquiry of those of Penobscot, whether they had taken part in the hostilities.[3] The French governor, Vaudreuil, admitted his advice and assistance to the Kennebeck River Indians in their attacks on the English, but the sole reply open to Massachusetts-Bay was a humble address to the king praying his commands and gracious favor.[4]

In matters of detail on the measures best adapted to the situation differences between the two Houses developed and a number of resolutions were framed and rejected by one or the other. The House proposed to send two persons with a skilled interpreter to the Eastern Indians, to demand an explanation of their late insults and acts of hostility, to propose a meeting at Arrowsick where the Indian hostages might be exchanged for white captives and where any just article of grievance might be treated.[5] The Council desired to set up trading houses, which would make the Indian more dependent on government, but the House refused to accept the addition,[6] nor would it accept a modified proposal, for securing his adherence and dependence on government by supplying him with clothing and other necessaries at easy rates and prices.[7]

The importance of obtaining neutrality and, possibly, the aid of the Five or Six Nations of New York became greater as the menace of the Eastern Indians became more threatening. On the application of a present of £1000 which had been voted, the government of New York must first be consulted, for the Five Nations were under that jurisdiction. A personal difference arose on the commissioners to treat with the Indians, for the Governor refused to consent to Elisha Cooke as one of them.[8] As the court was about to be prorogued, joint committees were named to draw up the address to the king and to report on the present to be made to the New York Indians.[9]

[1] 41, 42. [2] 55, 68. [3] 60. [4] 70, 77. [5] 73. [6] 76. [7] 78. [8] 78. [9] 77.

The General Court was prorogued July 7 and again met August 8. In the interval the Indian situation had become so acute that the Governor, by and with the advice of the Council, had declared war against the Eastern Indians, had sought to cover the harvest and put the frontiers in the best posture of defence. He favored a vigorous policy but demanded greater freedom for himself and Council if the war was to be vigorously prosecuted.[1] The House approved the declaration and promised "all Chearful and Necessary Assistance" in so vigorous a war that the Indians might "be never able more to rise up against this People."[2] The Province had at the time 636 men in its service, as yet covering the frontiers and securing the harvests, but without definite instructions on the war.[3] As to securing allies from the Five Indians the New York authorities wisely held that to invite the Indians to participate would draw on a general Indian war, and therefore Massachusetts-Bay should confine its efforts to secure their neutrality and hold no conference with them save in the presence of representatives of New York.[4] Yet the Indians had acted for themselves, and while the Court was not in session delegates from the Six Nations came to speak with the Eastern Indians. Governor Shute sent three of the council with them, to be witnesses and to protect them against the wiles of Rale, who had affixed an insolent letter at Norridgewock.[5] The Indian representatives could not bring about a peace but they proposed a conference to be held at Albany.[6] As an alternative the House proposed that the meeting be held at Deerfield or some other place in the County of Hampshire; the Council thought the place need not be then determined. To leave that question unsettled, the House stated, would defeat so favorable an opportunity to hasten the end of the war, and the Council accepted Deerfield, with the proviso that the Indians should agree to it; if not and they should insist, the government would meet them at Albany. The House rejected the amendment, asserting that it would inevitably fix the place of treaty in the government of New York, "which this House is fully persuaded will not be for the Honour and Service of this Government."[7] As the Council insisted upon its amendment, a deadlock threatened, which the Council attempted to avoid by proposing to call in the agency of the Governor of New York. Even this suggested measure, which would seem to have been essential in any dealings with these Indians of New York, divided the two Houses,[8] and as the time for the departure of the delegates drew near the House asked for action but expressed the wish that whatever should be proposed to the delegates the whole Court should prepare. It carried its point and in the draft of proposals insisted on the words "General Court" to be substituted for "I" wherever used, and on their participation in the delivery.[9] The incident closed with a ceremony thus planned and to the satisfaction of all concerned, except to the Indians, who had asked for the release of a family of Indians, held under suspicion of hostility to the settlers, and for whose good con-

[1] 79. [2] 81. [3] 82. [4] 80. [5] 102. [6] 104. [7] 111, 112, 113. [8] 114. [9] 115.

duct the delegates had engaged. To remove their uneasiness and to cultivate a hearty understanding this family was set free and delivered to the delegates of the Six Nations.[1]

Facing actual war the House and Council at first worked in harmony. They passed acts to "encourage the prosecution of the Indian enemy" and to put the inhabitants of the Province in a posture of defence,[2] increased the force in York County by one hundred men and took measures to secure the western frontiers.[3] Discord appeared when the House rejected a bill on mutiny and desertion, a measure of no novelty and considered necessary in time of war.[4] Subjects for difference multiplied. In one respect the House occupied a position of great strength which justified its insistence on being a full partner in the conduct of the war. In the previous year to protect the frontiers, companies for scouting had been raised and placed at the more exposed points and provision made for their support. Complaints of ill treatment and corrupt practices began to come in, based upon specific instances and reliable witnesses. The House took notice of these complaints and proposed to investigate their truth and extent. The first step taken was to appoint a committee of weight to consider the state of the forces and to prevent their being defrauded of their wages.[5] The immediate cause had been noted in the March session of the previous General Court when the House proposed to stop certain sums from the wages of officers to make good to the soldiers money kept from them contrary to usage and regulations. As the Council did not act the reparation had not been made, so the House again proposed its measure.[6] Before the committee reported, the House, on complaints from soldiers of not having received their wages, though the muster-rolls had been allowed, gave positive directions in the matter.[7]

In the August session enough information against certain officers had been obtained to warrant action, and the first to be selected for discipline was Major Samuel Moodey, who was in command of the forces at the Eastward. Because, as was charged, he had indulged his men in drink, had denied assistance to the inhabitants and been remiss in keeping proper night watches, the House "earnestly desired" the Governor to suspend him forthwith and to direct him to come to Boston to answer the charges made against him.[8] The Council wished to take the milder course of ordering Moodey to attend to answer, but the House stood firm and called down from the Governor a rebuke for proposing to suspend an officer before he had been heard on affidavits taken in his absence — "which I think is contrary to the Liberties of an English man."[9] The House was able to cite a precedent for its action and did not believe they had made an unreasonable request, adding that they were still of opinion that it would be "to the dishonour of this Government, and greatly disserve the Good Designs now on Foot respect-

[1] 116, 117. [2] *Acts and Resolves*, II. 258. [3] 86, 87, 93; *Acts and Resolves*, II. 259.
[4] 92. [5] 8. [6] 18. and III. 212. [7] 48. [8] 94. [9] 95.

ing the Indian Rebels," for Moodey to be continued in his post until the charges had been answered.[1] Not immediately hearing from the Council the House repeated its desire that Moodey be dismissed and stopped his pay.[2] Prorogation prevented further action. One abuse was prohibited. To correct certain practices it was resolved that no officer should presume "directly or indirectly to Exchange, Sell, or Dispose of any Man or Men" under his command, without special leave first obtained from the Captain-General, or carry on the rolls inhabitants of the frontier towns and places, enlisted in the room of any of the detached forces.[3]

Upon reassembling in November, the Governor still being inactive on the charges of misconduct of officers, the House sent two committees to the frontiers to examine the muster-rolls and the complaints of great abuses.[4] It also opened another channel for requiring explanations from the Governor, by framing questions on the operations against the Eastern Indians, on which reports indicated that orders had not been obeyed. It had voted men and supplies for an expedition to Penobscot and marches into the enemy's country, but had not been informed of the measures taken, or orders given, or advices received from the officers. It asked the Governor for information upon these points and professed to be "wholly at a loss" on what was requisite to further the war until the information should be given. The Governor replied that circumstances had caused the Penobscot expedition to be laid aside and the forces had been employed in marching in quest of the enemy, but with no other success than protecting the frontiers.[5] The explanation did not satisfy the House, who would examine the commander of the expedition on the causes of the "miscarriages." The Governor was desired to express his orders to Colonel Walton to appear before the House "to render his reasons, wherefore the Orders relating to that expedition had not been executed"; but the Governor returned answer that "He would take no Notice of the Message unless it came other-ways expressed," as he and the Board were satisfied about the expedition, and "he thought everybody else was." He would, however, give orders to the officers to account to him for their conduct.[6] The reply only increased the anxiety of the House to examine Colonel Walton, and on the next day it asked in respectful terms if the Governor "will please send for Colonel Walton, according to the desire of the House," and was curtly answered that "his Excellency would make answer to the House when he thinks it proper." Unshaken in its determination the House on the day following, in even more respectful language, alleging that the denial by the Governor had "Extreamly discouraged the House in projecting any Schemes for the future carrying on of the War, under any views of Success," did once more "with the greatest Sincerity and Concern for our Countries good" ask that speedy orders be issued for Colonel Walton's presence, and again the Governor rebuffed it, saying "He would not receive it,

[1] 96. [2] 99. [3] 97. [4] 105, 107 [5] 120, 123, 124. [6] 126.

and so went his way."[1] A Committee composed of the Speaker and eight of the leading members, evidence of the importance attached to the message, went to the Governor's house to request him to return to the chair in the morning to pass upon some matters of importance, and he sent word from his chamber "That he would not be spoke to by any body."[2]

The persistence on both sides would show that a question of privilege or prerogative was involved, and this is indicated in the next move by the House, which desired the Governor to order Colonel Walton to Boston, and "when he hath attended his Excellency, the Governor would please to direct him to wait on this House," etc., thus recognizing that the officer was under the orders of the Governor, who was commander-in-chief of the forces. By the same express that carried the Governor's orders the House indicated what was required of Walton,[3] and added a request for summons for three other officers. The Governor had carried his point and gained a technical advantage by suggesting that all messages from the House of a public nature, wherein the whole government was concerned, should be sent to the Council and not to him immediately, for he thus deprived the House of opportunity to annoy or persecute him individually.[4] Yet the participation of the House in the war, the source of all supplies of money, men and provisions, made a better organization expedient, if not necessary. On December 6, knowing the inconvenience of a long session, the House proposed a committee of eleven, seven from the House and four from the Council, to meet once in fourteen days or oftener, during the recess of the General Court, to consider what was necessary to be done and lay their conclusion before the Governor, for his approbation and consent, he to carry it into speedy execution.[5]

After an interval of four days the House determined to wait no longer for the Board to act on the proposed recess committee and proceeded to take up the report of the committee recently returned from the eastward.[6] The Council gave as a reason for unanimously rejecting the proposal for a committee during recess that the administration of the government, in the recess of the General Court, was by the royal charter vested in the Governor and Council; "and they cannot apprehend it consistent with their duty to give up the trust thereby reposed in this Board into the hands of a committee, as proposed." But desirous to advance the prosecution of the war, it provided for a joint committee of both Houses, which should report to the Court as soon as might be.[7] Without a dissenting vote the House non-concurred, and insisted on its privilege of sharing in "all manner of Wholesome and Reasonable Orders, that they shall judge shall be for the Good and Welfare of this Province, and the necessary Support and Defence thereof."[8]

While this proposed committee was in suspense, both of the committees sent to the frontiers returned and reported that they had found abuses,[9] not only giv-

[1] 128. [2] 129. [3] 132. [4] 133. [5] 136. [6] 143. [7] 144, 145.
[8] 146. [9] 137, 145.

ing opportunity to reopen the attack on Major Moodey but supplying evidence against other officers. Witnesses against Moodey were summoned,[1] and Colonel Buckminster was expelled from the House for corrupt practices.[2] A ready weapon was found in the muster-rolls of the various companies, wherein it was easy to detect dishonest methods or charges not justified by law or regulation. A special committee to examine these rolls was appointed December 19, and the rest of the session was much occupied in auditing the rolls and correcting doubtful methods to which some officers had resorted, or violations of law involving the misapplication of public money.[3] The reports upon the muster-rolls proved beyond doubt that the House was justified in its criticism of the conduct of the officers and that the situation required general legislation for its improvement. There still existed a difference of opinion on Major Moodey, who had been "tried," or given a hearing,[4] and the case of Colonel Walton remained undetermined,[5] when the House was startled by being informed that the Governor had embarked for London to return early in the fall. This gave a new turn to affairs. Without laying aside the muster-rolls, through which officers guilty of evil practices could be so readily and immediately punished by withholding their pay, the House recognized that Governor Shute could endeavor in London to charge it with an attempt to encroach upon the royal prerogative, or to "come into some things they had not a Right to by their present happy Constitution."[6] A committee was named to prepare what was needed for a "just and necessary Vindication at the Court at Home," a vessel about to sail was detained, and an agent was chosen for presenting the declaration in London.[7]

With Lieutenant Governor Dummer acting as governor the House renewed its attack upon Colonel Walton and Major Moodey, and, with a change of tactics, "most solemnly and earnestly" protested against carrying on an offensive war until new commanders of the forces had been appointed. Mere resignation by the two officers would not satisfy the House; they must be dismissed.[8] Dummer undertook to bring forward a report on the future conduct of the war, but the House curtly told him that "this House doth not know of any Operations of War that they have been of advice in."[9] Further, in pursuit of Walton and Moodey, it entered into a vote that gave Dummer an advantage. In threatening to "draw off part of the Forces" unless its wishes were observed, the House laid itself open to retort that the authority for drawing off the forces was vested in the Governor by the King's commission and royal charter. An explanation that the intention of the House was to withdraw pay and subsistence from a part of the forces, dispelled the doubt but could not deprive Dummer of his gain.[10] He asked for the passing of the accounts of Walton and Moodey that they might be dismissed and new appointments made.[11] His request was complied with, a commission was pre-

[1] 146. [2] 150. [3] 161. [4] 163, 167. [5] 156, 165, 170. [6] 173.
[7] 173, 174, 176. [8] 182, 188. [9] 190 [10] 191 [11] 192

pared for the command and it only remained for the House to vote the necessary provisions and stores.[1] Laws were passed encouraging enlistment, protecting the soldiers from abuses and punishing mutiny and desertion.[2] An issue of bills of credit and a tax law followed and on January 19, 1723, the General Court was prorogued to March, but did not again convene. The plans of sending an address to the King, or of meeting the charges possibly raised by Governor Shute in London, also were abandoned and the session closed in a comparative calm. Even Elisha Cooke was again named as one of the committee to treat with the Five Nations at Albany.[3] Evidently the personality of the Lieutenant Governor was more favorable to harmony than that of Governor Shute.

The Council sent down early in the session a memorial of the Overseers of Harvard College, proposing the enlarging of the Corporation of the College and the inclusion of resident Fellows and Tutors.[4] A joint committee reported against enlarging the Corporation and offered a substitute proposition which recognized the provisions of the charter of the College, forbade a Fellow to be an Overseer and prohibited the Fellows from establishing any salary without the consent and approbation of the Overseers.[5] Governor Shute, however, would consent only if the votes did not remove three of the existing Fellows from office. The House believed that such a condition would defeat the design of the proposition and asked Shute to give a definite opinion "according to the constant usage and practice ever since the present happy Constitution."[6] Though not compelled to give his reasons Shute alleged that he acted on the explanation of the Council and on the desire and instruction of the Overseers in their address to the General Court. It must therefore wait until he could take the opinion of the Overseers. This explanation the House refused to accept and again desired a categorical answer.[7] The session ended without action. In November, recurring to the report, the House reiterated its opinion, expressed surprise at the conduct of the Corporation, warned them to keep strictly within the rules prescribed by their constitution, and directed submission to the good and wholesome methods laid down in the report.[8] A memorial from the Fellows for a hearing was dismissed on the ground that the prayer of the memorial was "altogether groundless, and no ways to be justified."[9] But the Council would not concur with the House, took no notice of a resolve of that body recapitulating what had been proposed and reaffirming the regulations of the report, and so the session ended with nothing done.[10]

Relations with the press were strained and led to disciplinary measures. Public bodies, too sensitive of their dignity, saw criticism where none was intended, and wished to control what might become a weapon of ridicule and opposition. Philip

[1] 199. [2] 204; *Acts and Resolves*, II. 261. [3] 215. [4] 25.
[5] 58. The report was sent down with a message, that the Council being Overseers of the College it was thought proper that the House should first pass on the report.
[6] 69. [7] 72. See note in *Acts and Resolves*, X. 186. [8] 116. [9] 147.
[10] 207, 215. Quincy, *History of Harvard University*, I. chap. XIV.

Musgrave, "author" of the *Boston Gazette*, was cited to explain the manner in which he had printed the election of Councillors and to give the source of his information. Twenty-eight Councillors had been elected, but as the Governor had negatived two, the *Gazette* was technically correct in giving a list of twenty-six, based on a list supplied by Secretary Willard. But the writer had erred, through ignorance, in intimating that the Speaker and Clerk of the House had been chosen by the General Court. John Campbell, of the *Boston News-Letter*, was guilty of the same errors, and both editors were admonished and enjoined to print the actions of the General Court only from attested copies under the hand of the Secretary, or the Clerk of the House.[1] The next printer to fall under the displeasure of the House was James Franklin, printer of the *New-England Courant* who made statements about the fitting out of a vessel against supposed pirates, and "pretended" to have received the information from Rhode Island. The paragraph was described by the Council as a "high affront to this Government," and the House proposed to commit Franklin to gaol for the rest of the session.[2] The Council concurred and after two days' imprisonment Franklin acknowledged his offense and prayed that he might be allowed the liberty of the gaol yard, a privilege grudgingly given upon his giving security for his faithful abiding there.[3] Later the Council sought to impose a bond on Franklin and upon his newspaper the penalty of censorship by Secretary Willard, for printing reflections on the King's government and on the administration of the Province, on the ministry, churches and college, as well as paragraphs "that tried to fill the Readers' minds with vanity, to the dishonour of God and disservice of Good Men."[4] If the House shared the indignation it could not agree to the punishment proposed.

For a time more important matters engaged the attention of the House, but Franklin held ideas of his own on the conduct of a journal and in January, 1723, he had given so much offense that the Council, apparently the more sensitive to what concerned public morals, filed a complaint against the *New-England Courant* and a joint committee presented an indictment of the printer that had weight. "The Committee are humbly of Opinion, That the tendency of the said Paper is to Mock Religion, and bring it into contempt. That the Holy Scriptures are therein Prophanely abused. That the Reverend and Faithful Ministers of the Gospel are injuriously reflected on: His Majesty's Government Affronted: The Peace and good Order of His Majesty's Subjects of this Province disturbed by the said Courant." The former censorship, of which there is no trace in the sheet, was renewed,[5] and it led to Benjamin Franklin's becoming in name and deed the editor of the paper.[6]

As to printing the "Votes" of the House a motion to do so made early in the

[1] 10, 11. [2] 23, 31, 35. [3] 72. [4] *Acts and Resolves*, x. 174. [5] 205, 208.
[6] Autobiography in *Writings* (Smyth), i. 248, where he gives an erroneous version of the order of the House. See also the "Editorial Preface" in the *New-England Courant* for February 11, 1723, reprinted in Smyth, ii. 49.

session was negatived, but on reconsideration was adopted on the following day in the usual form. Probably the question of cost had occasioned the hesitation, for a committee was appointed to obtain estimates from the printers of the town, and on their report Nicholas Boone was set aside in favor of Bartholomew Green and Samuel Kneeland.[1] The Clerk of the House prepared the "Votes" for the press, and may be held responsible for the continuing errors in type.[2]

In 1721 a new impression of the laws of the Province had been proposed and rejected, as was a proposal to supply the towns with law books, "if Mr. Eliot had a sufficient number printed." [3] In the session of 1722 the House adopted a resolution for a new impression of the laws and for the distribution, at the charge of the Province, of acts passed since 1714[4] — the date of the most recent compilation of laws, printed by Bartholomew Green for Benjamin Eliot, and to which acts of the more recent sessions, separately printed from time to time, might be added.[5] The inconvenience of the system was increased as the printed laws did not give explanations contained in the resolutions of the Court. To lessen this special inconvenience it was now ordered that beginning with the present session the explanations be printed with the acts, and the practice should be followed in a new impression of the laws.[6] Late in December a committee of the House consulted Eliot about printing the laws of the Province, and on the cost of supplying a copy for every town and for every member of the Court. He named a price conditioned on having a twenty years' monopoly of the printing, which the House accepted, but to which the Council did not agree.[7] In fact a new impression of the laws to 1719 was issued in England in 1724, and it was not until 1726 that one appeared in Massachusetts-Bay.

By an unfortunate error the portrait of William Dummer was inserted in volume III of this series instead of that of Jeremiah Dummer. The latter is made the frontispiece of this volume, and the original painting is attributed to Sir Godfrey Kneller. The painter of William Dummer is not known. The "Declaration" of Governor Shute against the Indians is reproduced from the only known copy, in the New Hampshire Historical Society. The privilege to use it was courteously granted by Mr. Otis G. Hammond, the librarian of that Society.

WORTHINGTON CHAUNCEY FORD

BOSTON, *November* 20, 1922.

[1] 10, 11, 12. [2] 214. [3] Vol. III. 174. [4] 46.
[5] The volume of 1714 contained 239 pages and the issues to May, 1722, carried it to 367 pages.
[6] 48. *Acts and Resolves*, X. 180. [7] 170, 181.

JOURNALS
of the
House of Representatives
of Massachusetts
1722-1723

A JOURNAL

Of the House of Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the Massachusetts-Bay in **New-England**, begun and held at **Boston**, upon Wednesday the 30th Day of **May, Anno Domini**, 1722.

THE Honourable *Penn Townsend*, *Paul Dudley*, and *Jonathan Dowse* Etc. came down from the Council Board, and Acquainted the Members that they were Appointed by His Excellency the Governour, That this House should take the Oaths, Make and Subscribe the Declaration, Make and Subscribe the Oaths of Abjuration, (as by the Royal CHARTER of this Province is directed) before them, which was accordingly done by all the Members present, and then they withdrew.

After the Members had taken the Oaths, A Motion was made to proceed to Examine the Returns, before the Choice of a Speaker. And after some Debate thereon, It pass'd in the Affirmative

And Mr. Secretary *Willard* was directed to bring in the several Writs and Precepts.

The House proceeded to take a List of the Names of the Persons returned to Serve for and Represent the several Towns, who are as follows, *viz.*

Boston { Joh. Clarke, Esq; *Speaker.* / Elisha Cooke, Esq; / Mr. William Clarke. / Mr. Isaiah Tay.
Roxbury, William Dudley, Esq
Dorchester, Col. Robert Spurr.
Milton, Mr. Ephraim Tucker
Brantrey, John Quincey, Esq;
Weymouth, Capt. Joseph White
Hingham, Capt. Thomas Loring.
Sutton, ———
Dedham, Mr. Joseph Ellis.
Medfield, Mr. Henry Adams.
Medway, ———
Mendon, Mr. Thomas Sanford.
Hull, ———
Wrentham, ———
Woodstock, John Chandler, Esq;
Bellingham, ———
Brooklin, Mr. Edward White.

Oxford, ———
Salem, Josiah Wolcott, Esq;
Ipswich, { Joh. Wainwright, Esq; / Mr. Nath. Knolton.
Lynn, Mr. Richard Johnson.
Newbury, Mr. Wm. Moodey
Marblehead, Capt. Nic. Andrews
Beverly, Mr. Robert Brisco.
Wenham, Mr. Wm. Rogers.
Topsfield, Mr. Daniel Clarke.
Andover, Mr. James Bridges.
Bradford, Mr. Jonath. Woodman.
Haverhill, Mr. John Saunders
Boxford, Lieut. Joseph Hale.
Rowley, Mr. Timothy Harris
Salisbury, Mr. Isaac Morrell
Amesbury, Capt. John Foot.
Glocester, Mr. Samuel Stevens.
Manchester, ———
Cambridge, Jona. Remington, Esq;

Charlstown, { Charles Chambers, Esq; / Mr. Eben. Austin.
Watertown, Mr. Rich Coolidge.
Newton, Mr. Ebenezer Stone.
Sudbury, Hopestill Brown, Esq;
Marlborough, Capt. Wm. Ward.
Sherburn, Mr. John Holbrock.
Westborough, ———
Lancaster, Mr. Jabez Fairbanks.
Framingham, Col. J. Buckminster.
Groton, Capt. John Shepley.
Concord, Mr. Benj. Whittemore.
Chelmsford, Mr. Jos. Underwood.
Billerica, Mr. George Brown.
Woburn, Mr. Daniel Pierce.
Reading, Wm. Bryant, Esq;
Malden, Mr. Sam. Bucknam.
Lexington, Francis Bowman Esq;
Weston, Francis Fullam, Esq;
Dunstable, ———

Dracut, Maj. Jos. Varnum
Medford, Mr. John Bradshaw
Worcester, ———————
Stow, ———————
Littleton, ———————
Leicester, John Meinzies, Esq;
Rutland, ———————
Springfield, Luke Hichcock, Esq;
N-Hampton, John Stoddard, Esq;
Hadley, Mr. Experience Porter.
Hatfield, Henry Dwight, Esq;
Westfield, Mr. Thomas Noble [2]
Suffield, ———————
Enfield, ———————
Deerfield, ———————
Brookfield, Mr. Joseph Jennings.
Sunderland, ———————
Northfield, ———————
Plymouth, Capt. John Dyer
Scituate, Mr. James Cushing.
Marshfield, Mr. Anthony Eames.
Duxbury, Mr. John Wadsworth.
Bridgewater, Mr. Edw. Fobes.
Rochester, Mr. Thomas Dexter.
Middleborough, Mr. I. Southworth
Plympton, ———————
Pembrook, Mr. Neh. Cushing.
Abington, ———————
Barnstable, Shubal Gorham, Esq;
Sandwich, Mr. Israel Tupper.
Eastham, Mr. Isaac Pepper.
Harwich, Mr. John Mayo.
Yarmouth, Mr. John Hedge.
Truro, ———————
Chatham, ———————
Falmouth, ———————
Bristol, Mr. Samuel Little.
Taunton, Mr. John King.
Swanzey, Mr. John Thomas.
Rehoboth. Mr. Jathniel Peck.
Little-Comp. Capt. Sil. Richmond.
Dighton, Capt. Jared Talbot
Tiverton, Mr. Gershom Woodell.
Attleborough, ———————
Norton, ———————
Barrington, ———————
Dartmouth, Mr. Daniel Wood
Freetown, Mr. Thomas Gage.
Edgartown, Mr. Lemuel Little.
Chilmark, Ebenezer Allen, Esq;
Tisbury, ———————
Sherburn of *Nantucket*, } Mr. Jer. Gardner.
York, Mr. Samuel Came.
Kittery, Mr. John Dennet.
Berwick, Capt. Hump. Chadbourn.
Wells, ———————
Falmouth, Mr. Dominicus Jordan.
Biddiford, ———————

Then the House brought in their Votes for a Speaker, which being Examined, it appeared that *John Clarke* Esq; was chosen by a Major part of the Votes, and was accordingly conducted to the Chair.

Then the House brought in their Votes for a Clerk, which being Examined, it appeared that *William Payne* Esq; was chosen by a Major part of the Votes, who was accordingly sent for to the House.

Post Meridiem.

Voted, That Mr. *Dudley*, Mr. *Cooke*, Mr. *Clarke* and Mr. *Stoddard*, wait on His Excellency the Governour, and the Honourable Board, to acquaint them, That *John Clarke* Esq; is chosen Speaker of the House, and is now sitting in the Chair.

And to acquaint the Board that they are ready to proceed to the Choice of Eighteen Councellors for the Province of the *Massachusetts-Bay*, and that they would join with them therein.

A Message by *John Cushing* Esq; That the Board is ready to proceed to the choice of Eighteen Counsellors for the Province of the *Massachusetts-Bay*.

Voted, That Mr. *Dudley*, Mr. *Wainwright*, Mr. *Clarke*, Mr. *Remington*, and Mr. *Chambers*, carry up the Votes of this House for Councellors, assist in Sorting and numbering them, together with the Votes of the Board, and Report to the House the several Elections that shall be made from them.

The said Committee carried up the Votes for Eighteen Councellors, Inhabitants or Proprietors of Lands in the Territory formerly called the *Massachusetts-Bay*, and Reported that Eighteen were chosen by a major part of the Votes. *viz.*

William Tailer Esq;	*Thomas Hutchinson* Esq;
Samuel Sewall Esq;	*Samuel Brown* Esq;
Penn Townsend Esq;	*Thomas Fitch* Esq;

John Appleton Esq; *Edmund Quincey* Esq;
Samuel Patridge Esq; *Adam Winthrop* Esq;
Edward Bromfield Esq; *Jonathan Dowse* Esq;
Nathaniel Norden Esq; *Paul Dudley* Esq;
Benjamin Lynde Esq; *Samuel Thaxter* Esq;
Addington Davenport Esq; *John Turner* Esq;

The said Committee carryed up the Votes of the House for Four Councellors, that are Inhabitants or Proprietors of Land within the Territory formerly called *New-Plymouth*, and Reported Four were Chosen. *viz.*

Nathanael Byfield Esq; *John Cushing* Esq;
Isaac Winslow Esq; *John Otis* Esq;

The said Committee carryed up the Votes for There Councellors, that are Inhabitants or Proprietors of Lands within the Territory formerly called the Province of *Main*, and Reported Three were Chosen. *viz.*

John Wheelwright Esq; *Charles Frost* Esq; *Joseph Hammond* Esq; [3]

The said Committee carried up the Votes for One that is an Inhabitant or Proprietor of Land lying within the Territory between *Sagadehoc* and *Nova Scotia*, and Reported that One was Chosen. *viz.*

Spencer Phipps Esq;

The said Committee carried up the Votes for Two Councellors, That are Inhabitants or Proprietors of Land in any part of the Province, and Reported that Two were Chosen. *viz.*

Jonathan Belcher Esq; *William Clarke* Esq;

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jovis 31 die Maii 1722.

William Payne Clerk of the House was Sworn by the Speaker faithfully to discharge the Office and Duty of Clerk of the House, according to the best of his Skill and Knowledge.

A Message by Mr. Secretary, That His Excellency said he was informed that the House had Chosen Twenty-Eight Councellors, and expects the List of them.

Mr. Secretary brought down the List of Twenty-Eight Councellors, Chosen for the Year ensuing, attested by him, which was also Signed by the Speaker, and sent up to His Excellency by Mr. *Tay*, Mr. *Remington*, and Mr. *Chandler*, for his Approbation of the Persons therein named, to be given in Writing under his Hand.

The House proceeded further to Examine the Returns of the Precepts from the several Towns, of the Choice of their Representatives; and upon reading the Return from the Town of *Brookline*, a Petition was presented, Signed by several Inhabitants of the said Town, to show that their Choice was Irregular, which was

read; and the Petition dismist, because the Town being Obliged by Law to choose a Representative, it was irregular in them to ask a Vote of the Town, whether they should choose One?

Mr. Secretary brought down the List of Councellors, Signed by His Excellency, *viz.*

I Negative *Nathanael Byfield*, Esq;
I Negative *William Clarke* Esq;
The rest of the Councellors I accept, *SAMUEL SHUTE.*

The Representatives of the Town of *Boston* informed the House, that about Fourtteen Days past, they had sent down to *Spectacle-Island* several Persons Inoculated for the Small-Pox, and desired that the General Court would take some further care about them, which was debated; and whether the Court should sit at the Town-House in *Boston*, or Remove to some other Place? and referred to the Afternoon.

A Message by Mr. Secretary, that His Excellency expects this House forthwith to attend Him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency made a Speech to them, whereof the Speaker obtained a Copy, and with the House Returned to their own Chamber, where it was Read; and is as followeth,

Gentlemen,

I *Have lately received from Great Britain, An Act made at the last Session of Parliament,* For Encouraging the Raising of Naval Stores; and also for the Preservation of the White Pine Trees in America. *As to the first part of the Act, I question not but you will use your best endeavours to promote the Raising of these Stores, because it will carry a double Advantage with it; which is* [4] *That it will be very Agreeable to the Court of* Great Britain, *and will also tend very much to the Enriching of this Province. As to the second part of the Act, I hope every Person in his proper Station will take the utmost Care it be punctually observed, that so this Colony may have the Honour constantly to send Home, Trees fit for the Masting His Majesty's Royal Navy.*

This is all at present, I have to Communicate to you from the Court of Great Britain, *my Packets being lost on Board the Ship which was unfortunately burnt at Sea.*

Gentlemen,

It will be a great pleasure to me to see matters so wisely and prudently managed in this Session, that our Proceedings may render us Acceptable to the Government at Home. If you will take this my Advice into your serious Consideration, I flatter my self, you'll joyn with me in Opinion, that it will prove the most Effectual (and indeed only means) long to preserve to us those invaluable Blessings and Privileges which

under the kind Influences of our Great Master King GEORGE, *at present we so happily enjoy.*

Post Meridiem.

According to the Order of the Day, the House proceeded further to consider, Whether they should sit in the Town-House at *Boston* or remove to some other Place; and after Debate upon it, The Question was put, Whether it be the desire of this House, That the General Court be removed to some other Town.

And *It passed in the Negative.*

Then the Question was put, (that since several of the Members of the House are in great fear of Sitting in this Town) Whether it be not Expedient for the Court to remove to some other Place?

And it passed in the Negative.

The House proceeded to Consider the Excuses of the Towns that had not sent their Representatives according to Law: And the following Towns were Excused, viz. *Needham*, *Bellingham*, *Medway*, *Hull*, *Sutton*, *Tisbury*, *Shrewsbury*, *Westborough*, *Falmouth*, *Sunderland*, *Scarborough*, and *Biddeford:* The other Towns were not Excused, viz. *Dunstable*, *Stow*, *Truro*, *Norton*, *Attleborough*, *Suffield*, *Enfield*, *Deerfield*, *Plympton*, and *Wells*.

Then the Rules and Orders of the House were Read, Amended, and Voted singly, to be the Orders observed by the House.

Voted, That Mr. *Benjamin Whittemore*, Mr. *Ephraim Tucker*, and Mr. *Anthony Eames* be the Monitors of the House, to take care that the Rules and Orders be duly observed.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 1 die Junii 1722.

John Otis Esq; brought down a Petition, Signed *Edward Jackson* of *Newton* in the County of *Middlesex*, praying that he may be Enabled by a private Act to File Reasons of Appeal from the Honourable Judge of Probate's Decree of *February 5th.* 1721. relating to an Administration he granted, &c. Which was passed on in Council, *May* 31. 1722. viz. Read, and Ordered, That the Petitioner serve the Adverse Party with a Copy of this Petition, That so they may give their Answer thereto, on or before Friday the 8th of *June* next, if they have ought to object, why the Prayer of the Petition may not be granted.

Sent down for Concurrence.

Read and Concurr'd. Sent up. [5]

Spencer Phipps Esq; brought down a Petition, Signed *Soucason Daniel*, an *Indian*, praying that he may have Liberty to dispose of *Oyster Island* for Payment

of his Debts, Passed on in Council, viz. *May* 31. 1722. Read and Ordered, That the Petitioner be enabled to Sell the Land mentioned in the Petition, with the Advice and Assistance of *Peter Thacher* and *S. Sturges* Esqrs; who are desired to take care that the full value thereof be paid, and to receive the Consideration Money, which is first to be applied to the Payment of the Debts mentioned in the Petition, and his other just Debts. And the Remainder thereof (if any there be) for the benefit of the Petitioner and his Family.

Sent down for Concurrence, *J. Willard*, Secr.

Read and Concurr'd, Sent up.

Isaac Winslow Esq; brought down an Act of Parliament, for Importation of Naval Stores, &c. with Mr. *Jeremiah Dummer*'s Letter to Mr. Secretary, of *March* 10. 1722, which were Read and sent up.

Nathaniel Norden Esq; brought down an Act Entituled, *An Act in Addition to an Act for better Regulating Town and Proprietors Meetings, Made in the Second Year of His Majesty's Reign.* Read in Council, and passed to be Engrossed.

Sent down for Concurrence, Read a first Time.

Post Meridiem.

Voted, That Mr. *Cooke*, Mr. *Clarke*, Mr. *Stoddard*, Mr. *Fullam*, and Mr. *Chandler* be a standing Cammittee for Petitions during the Sessions of this Court.

A Petition Signed *Daniel Rogers*, Clerk of the Proprietors of Land granted to Mr. *Simonds*, known by the Name of *Cox-Hall*, lying at *Kenebunke* River, praying that a Tract of Land about Four Miles square, may be added to the West part of said Land for making it a Township, &c. Read.

Mr. Treasurer *Allen* was admitted into the House and presented his Accompt of disburstments from *March* the First, to *May* 28*th* past, and desired that a Committee may be appointed to examine the same, that it may be added to his General Accompt. Read, and

Ordered, That Mr. *Clarke*, Mr. *Chambers* and Mr. *Wolcott*, examine the same, and make their Report thereon to the House.

A Petition Signed *Thomas Smith*, praying that he may be Enabled by a private Act to Review his Cause against *William Baker* of *Boston*, to be Tryed at an Inferiour Court, to be held for the County of *Suffolk*, for reasons therein.

Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of this Petition. That so he may give in his Answer thereto, upon *Wednesday* the 6*th* Instant, (if he have ought to object) why the prayer of the Petition may not be Granted.

Sent up for Concurrence.

A Petition Signed *Eldad Tupper* and *Seventeen* others, Proprietors of a Parcel of Salt-Meadow in *Sandwich*, of about 500 Acres, which has been improved by a

Damm made to keep out the Salt Water, by consent of the Proprietors. Praying that they may be enabled by an Act, to Raise so much Money as may be thought necessary by the major part of the Proprietors, and cause the same to be Levyed and Collected on each Proprietor, according to his Interest, and to choose needful Officers to Collect the same for the future. Read.

An Accompt Signed *Joseph Hauley*, Treasurer for the County of *Hampshire*, for the Year, 1721. was presented to the House. Read and Allowed.

Sent up for Concurrence.

An Accompt Signed *Ebenezer Lewis* Treasurer for the County of *Barnstable*, for the Year, 1721. was Presented to the House. Read and Allowed.

Sent up for Concurrence. [6]

Mr. *William Clarke* from the Committee to Examine the Treasurer's Accompt of Expence this Day given in, Reported, That having Examined the same, they find it right cast, well Vouched by Bills of Parcels produced, and proved the Account of Species herewith Exhibited, which was Accepted, And,

Resolved, That the Sum of *l.* 833 5 *s.* 7 *d.* be Allowed and Paid out of the Publick Treasury to *Jeremiah Allen* Esq; in full Discharge of said Accompt.

Sent up for Concurrence.

A Petition Signed *Cyprian Whipple* and *Dorothy* his Wife, which was presented in the last *March* Sessions, and referred to this was Read, and Ordered to lie on the Table for further Consideration.

A Petition Signed *John Vinning*, with 38 others, Inhabitants of the Southerly part of *Weymouth*, praying to be set off a District or Township, and that the Line of Division may be drawn Two Miles Northward from their New Meeting-House, &c. Read, And

Ordered, That the Town of *Weymouth* be served with a Copy of this Petition, that they may give in their Answer to it, on Friday the Eighth Instant (if they have ought to object) why the Prayer of the Petition may not be granted.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 2 die Junii 1722.

VOted, That this House at their rising this Day, Adjourn till Tuesday at Three a Clock in the Afternoon, because of the Artillery-Election on Monday next, and that *Josiah Wolcott* Esq; inform the Honourable Board of it.

A Bill in Addition to An Act Entituled, *An Act for the better Regulating of Town and Proprietors Meetings, Made and passed in the Second Year of His Majesty's Reign.* Read a Second Time. Debated upon, and Committed to Mr. *Dudley*, Mr. *Chandler*, and Mr. *Wainwright* for Amendment.

An Accompt Signed *Abraham Prebble* Treasurer for the County of *York*, for the Year 1721. was presented to the House. Read and Allowed.

And Sent up for Concurrence.

An Accompt Signed *Rowland Dike*, amounting to *l.* 8 15. for his being sent to the *Eastward* to Summon the Officers complained against (of which he received 5 *l.* from Mr. Secretary) Read, and

Resolved, That the Sum of *l.* 3 15. be allowed and paid out of the Publick Treasury to *Rowland Dike*, in full Discharge of said Accompt.

Sent up for Concurrence.

An Accompt amounting to *Thirty Three Pounds*, *Eighteen Shillings*, for Wood to supply the Fort *Mary*. And another Accompt, Signed *Benjamin Haley*, amounting to *l.* 4 17 *s.* 3 *d.* For Work and Materials for said Fort, both Read and Committed to the Committee for Petitions. Who are further to consider the State of said Fort, and Report to the House, whether it be for the best Interest of the Province, to continue the said Fort, or to slight it.

Voted, That Mr. *Stoddard*, Mr. *Dudley*, Mr. *Spurr*, Mr. *Cooke*, Mr. *Fullam*, Mr. *Jordan* and Mr. *Dennet*, be a Committee to consider the State of the Forces in the Service of the Province and with all to prevent their being defrauded of their Wages; and make their Report thereof to this House [7]

John Otis Esq.; brought down a complaint, Signed by *Samuel Thaxter*, *Robert Spurr* and *John Quincey* (a Committee impowred by the General Court to sell a Tract of Land, lying near the Colony Line, in the Township of *Dorchester*) against *Ephraim Fobes*, *Edward*, *Ephraim*, and *Daniel Howard*, for opposing them in the discharge of their Office. Which was passed on in Council, *viz. June* 2d. 1722.

Read and

Ordered, That the Sheriffs of the Counties of *Plymouth* and *Bristol*, or either of them, do forthwith take into safe Custody the Bodies of *Ephraim Fobes*, *Edward Howard*, *Ephraim Howard* and *Daniel Howard*, if they may be found in their, or either of their Precincts, and have them before this Court on Thursday the 7th Instant (or as soon as may be) to answer this Complaint, and to do and receive what this Court shall further order thereon.

Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred, Sent up.

Whereas sundry Persons lately Inoculated for the Small-Pox, were removed to Spectacle-Island, *to hinder the spreading of that Distemper*,

Resolved, That the Persons so Inoculated, shall not come from the said Island without Leave first obtained from this Great and General Court.

Sent up for Concurrence.

Samuel Thaxter Esq; brought down a Petition, Signed by sundry Inhabitants of *Concord*, *Sudbury*, *&c.* against *Christopher Osgood* of *Billerica*, for Building a Damm cross the River at *Billerica*, Presented the last Sessions, and a Hearing

thereon appointed to be on the Second Friday of this Sessions. Which was passed on in Council, *June 2d.* 1722. *Ordered*, That the Hearing of this Petition be referred to the Second Wednesday in the Fall Sessions.

Sent down for Concurrence, *J. Willard, Secr.*

Read and Non-concurred. Sent up.

Edmund Quincey Esq; brought down the Vote of this House about the Persons Inoculated, with an Amendment, (viz. *Shall not come up to the Town of* Boston.)

Sent down for Concurrence. Read and Concurred. Sent up.

And then the House Adjourned till Tuesday next Three a Clock Afternoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [8–9]

VOTES

Of the House of Representatives.

Martis 5 die Junii 1722.

Post Meridiem.

A Petition Signed *John Hayes*, praying a further Encouragement to him for looking after the Light-House, for Reasons therein given. Read.

And

Resolved, That there be Allowed and Paid out of the Publick Treasury to Mr. *John Hayes*, Keeper of the Light-House, the Sum of *Twenty Pounds*, for his Extraordinary Service occasioned by the Act, obliging Vessels to perform Quarantine. Sent up for Concurrence.

Samuel Sewall and *William Tailer* Esqrs; brought down a Letter, Signed *John Hollis*, which was Read, and was to the General Satisfaction of the House.

Samuel Thaxter Esq; brought down the Report of the Committee of both Houses, appointed to go to *Sudbury*, and settle a Place on the West-side of the River for Building a Church. Read. And Referred to further Consideration, on Tuesday the 12th Instant.

A Motion being made by some of the Members that the Votes of the House might be Printed. The Question was put. *And it pass'd in the Negative.*

Voted, That. Mr. *Dudley*, Mr. *Cooke*, and Mr. *Stoddard*, be a Committee to consider, What Acts are Expired or near Expiring; and to prepare some Addition to the Act relating to the Poor, to prevent Charge arising to the Towns thereby, And to present the same to this House.

Voted, That the Door-keeper go to Mr. *Philip Musgrave*, Author of the Boston Gazette, and Order him forthwith to appear before this House, to give his Reasons why he printed the Election of Councellors made by the General Court or Assembly on Wednesday last, after such a manner, and to demand of him from whom he had the List.

Mr. Treasurer *Allen* was admitted into the House, laid his Accompt before them, and desired that a Committee of both Houses, might be appointed to Examine the same, to save the Trouble of attending Two Committees, and then withdrew. [10]

Ordered, That Mr. *Clarke*, Mr. *Remington*, Mr. *Wainwright*, Mr. *Stoddard*, and Mr. *Dyer*, be a Committee to Examine his Accompt, and make their Report thereon to this House.

An Accompt Signed *John Dyer*, Treasurer of the County of *Plymouth*, for the Year 1721. was Presented to the House. Read, And Referred to the next

Sessions of this Court, some Articles being objected against; unless in the mean time he Remove those Objections, by getting the Accompt passed again by the Justices, at their next Session at *Plymouth.*

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 6 die Junii 1722.

MR. *Musgrave* Attended the House, according to Order, and being asked by Mr. Speaker, why he Printed the Choice of Councellors as he had done, by mentioning but Twenty-Six Councellors, when Twenty-Eight were Chosen. And by intimating that the Speaker of the House, and the Clerk were chosen by the General Court, when they were chosen by the House?

He answered, He had the List of Councellors from the Secretary, and produced the Copy thereof; but as for the Choice of the Speaker and Clerk he had no Direction, and that he did it thro' Ignorance: And then withdrew.

And the House having had a Consideration thereof, he was Ordered in again. And Mr. Speaker by Direction of the House Admonished him therefor, and Ordered him to Amend those Mistakes in the next Gazette, and directed for the future not to Print any of the Actions of the General Court, but from Attested Copies, either under the Hand of the Secretary, or the Clerk of the House.

Voted, That the Door-keeper go to Mr. *John Campbell* Author of the Boston News-Letter, and Order him to Appear before this House to Answer for the Mistakes made by him in his News-Letter, respecting the Choice of Councellors. Who accordingly came in, and made his Excuse therefor: And then withdrew.

And after some consideration had thereon by the House. He was Ordered into the House again, and Directed by Mr. *Speaker*, in the Name of the House, to Print nothing for the future of the Transactions of the Court, but from Attested Copies under the Hand either of the Secretary, or Clerk of the House.

A Petition Signed *Thomas Fayerweather*, praying for a Confirmation of 500 Acres of Land, laid out to him on the Right of Mr. *John Pain:* Presented to the House in *March* last, and referred to this Session, because the Surveyor and Chain-Men were not Sworn. Read again. And their Oath being produced, [11]

Resolved, That the said 500 Acres of Land laid out between the Towns of *Deerfield* and *Northfield* in full of Mr. *John Pains* Right, be confirmed to his Heirs. Provided it do not infringe upon any former Grant.

Sent up for Concurrence.

A Motion being made that the Resolve of this House passed Yesterday against Printing their Votes may be Reconsidered. The Question was put, And

It pass'd in the Affirmative.

Then the Question was put, Whether the Votes of this House should be Printed and Distributed as formerly. And *It pass'd in the Affirmative.*

And

Ordered, That Mr. *Remington*, Mr. *Dudley*, and Mr. *Wainwright*, be a Committee to enquire of the several Printers in the Town, what they will take by the Sheet for Printing the Votes of the House, and Report which of them will do it best and cheapest.

John Appleton Esq; brought down from the Board a Petition Signed *Matthew Perkins* Jun. which was presented to the House *March* 21. 1721. Also a Petition Signed *Joseph Burnum* and *Sarah Burnum* in Opposition to the former Petition, with a Vote of Council thereon, *viz.* The Board upon reading the Petition of *Joseph Burnum*, having re-assumed the Consideration of the Petition of *Matthew Perkins*. *Ordered*, That it be Dismist, and no further Proceedings had thereon.

Sent down for Concurrence. Read and Concurred. Sent up.

Post Meridiem.

Henry Dwight Esq; presented an Accompt Signed *Henry Dickinson*, amounting to *l.* 15. being for so much Money put into his and *Joseph Parsons* Hands, for repairing the High-way, between *Worcester* and *Brookfield*, also a Receipt from the Treasurer for *Three Pounds* of said Money, which was left as overplus.

Read and Accepted, Sent up for Concurrence.

William Dudley Esq; from the Committee Reported that he had Treated with the Printers in the Town, about printing the Votes of the House, and that *Bartholomew Green* and *Samuel Kneeland* would print them best and cheapest, which was Accepted by the House. And then it was *Voted*, That Messieurs *Bartholomew Green* and *Samuel Kneeland* Print the Votes of this House.

A Petition Signed *Benjamin Swain* with 42 others Inhabitants of *Lynn*, *Reading*, *Beverly*, &c. Praying that a Tract of Land granted to the Heirs of *William Basset*, *John Linsey*, *Robert Porter*, *Joshua Swain*, &c. Anno 1685. containing about Eight Miles square, in the Nipmug Country, may be laid out to them their Descendants, in order to their settling a Town upon it within the space of Four Years time.

Read.

An Accompt Signed *John Campbell* amounting to *l.* 5 6 *s.* for printing Sundry *Advertisements*, &c. in his *News-Letter*, Anno. 1721. Read and Dismist.

An Accompt Signed *Edward Winslow*, Sheriff, amounting to *l.* 13 2 *s.* 5 *d.* Being for Sundry Disburstments on the Province House, which was presented the last Sessions, Read and Committed, but not Reported on. Now Read again, with the particular Accompts of the Charges, and [12]

Resolved, That the Sum of *l.* 13 2*s.* 5*d.* be allowed and paid out of the Publick Treasury to *Edward Wenslow*, Esq; in full discharge of the said Accompt.

Sent up for Concurrence.

Voted, That *Josiah Wolcott* Esq; Mr. *William Clarke*, and *Jeremiah Allen* Esq;

Treasurer, be a Committee to Audit the several Accompts presented by the Commissioners of the *l.* 100,000 Loan.

An Accompt Signed *Ebenezer Allen* amounting to *l.* 124 17*s.* 2*d.* For Sixty Two Weeks Attendance and Medicines, administred to Soldiers at the *Eastward*, at *Forty Shillings* per Week, as per Agreement, which was delivered in the last Session. Read again. And

Resolved, That the Sum of *l.* 124 17*s.* 2*d.* be allowed and paid out of the Publick Treasury to Doctor *Ebenezer Allen* the Accomptant, in full discharge of his said Accompt to the 15th Day of *March* 1721. Sent up for Concurrence.

A Petition Signed *Seth Pope*, *Samuel Willis* and *Samuel Pope*, in behalf of a Number of the Church and Congregation at *Acooshomet* Village, in *Dartmouth*, praying that a certain Sum may be appointed by this Court for the Annual Salary of Mr. *Samuel Hunt* their Minister, during his Ministry on said Village.

Read, And continued to the 20th Instant, that the Town of *Dartmouth* may have time to prepare an Answer to it.

And then the House Adjourned till to Morrow Morning Nine a Clock.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [13]

VOTES

Of the House of Representatives.

Jovis 7 die Junii 1722.

VOted, That Capt. *Joseph Burnape*, be appointed to lay out the Land granted to the Heirs of Mr. *John Cobbet* in *Novemb.* 20. past, in the room of Capt. *John Gardner* deceased. Sent up for Concurrence.

A Petition Signed *Francis Gathman*, praying some Allowance for his time and Charges when he was sent over by the Government as an Evidence against the Pirates, *Anno* 1704. Read and Dismist.

Two Petitions Signed by the contending Parties in *Worcester*, presented the last Sessions, and referred to this, were Read, Debated upon, and the Question being put, *Whether the Inhabitants of Worcester shall be vested with all the Powers and Privileges of the other Towns in this Province?*

It pass'd in the Affirmative. Sent up for Concurrence.

Post Meridiem.

A Petition Signed *John Billings*, praying some Allowance for his keeping of *Thomas Concamug* 8 Months since the Accompt last given in; and his Charge in Burying him. Read. And

Resolved, That the Sum of *l.* 6 be Allowed and Paid out of the Publick Treasury to Mr. *John Billings*, in full of his said Petition.

Sent up for Concurrence.

A Message by *John Cushing* Esq; *viz.*

His Excellency having received Advice from the Government of *Rhode Island*, of a Pirate Brigantine of Two Great Guns, and Four Swivel Guns, and Fifty Men, upon the Coast, and of several Vessels taken by the said Pirate.

Ordered, That the Honourable *William Tailor* and *Jonathan Dowse*, Esqrs; be a Committee to join with such as the House of Representatives shall appoint, to consider and Report what may be proper for this Government to do for Defence of the Coast. Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurr'd. And

Ordered, That Mr. *William Clarke*, *Charles Chambers* and *John Wainwright* Esqrs; be added to the Committee. Sent up.

According to the Order of the Day, *William Baker* gave in his Answer to the Petition of *Thomas Smith* of *Ipswich*, presented the First Instant.

Read and

Ordered, That *John Wainwright* Esq; go up to the Board and desire that the Petition of *Thomas Smith* may be sent down.

Mr. Secretary brought down the said Petition, which was again Read, and Resolved, that the prayer of the Petition be Granted, and that the Petitioner *Thomas Smith* have Liberty to bring in a Bill accordingly.

Sent up for Concurrence. [14]

An Accompt Signed *John Otis* Colonel, amounting to *l.* 7 16*s.* for billeting 26 Soldiers from *May* 28th 1721. to *June* 4th, following. Read and

Resolved, That the Sum of *l.* 7 16 *s.* be allowed and paid out of the Publick Treasury to Col. *John Otis*, in full discharge of said Accompt.

Sent up for Concurrence.

An Accompt Signed *Hope Lothrop* amounting to *Twenty Shillings* for dispatches sent to *Sandwich*, when *Benjamin Norton* came to the Cape with his Prize. Read and dismist.

According to the Order of the Day, *Ephraim Fobes*, *Edward*, *Ephraim* and *Daniel Howard* were admitted into the House, to answer the Complaint Exhibited against them, by *Samuel Thaxter* Esq; &c. on the Second Instant.

The Complaint being read to them, they owned the Substance thereof, but objected against some circumstances in it.

Spencer Phipps Esq; brought down the Report of the Committee of both Houses, this Day appointed for Defence of the Coast, which was Read.

And

Voted, That *John Wainwright* Esq; go up to His Excellency the Governour and acquaint him that the House desires the sight of Governour *Cranston's* Letter about the Pirates. Who returned that His Excellency was gone from the Board.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 8 die Junii 1722.

John Menzies Esq; brought into the House Governour *Cranston's* Letter to His Excellency, which was Read. As also the Report of the Committee of both Houses for Defence of the Coast, with the Vote of the Council there on. *viz.*

In Council *June 7th* 1722.

Ordered, That the Gentlemen of the Committee be desired to take up the Vessel mentioned in their Report, and to see her Equipped and Victualled with all possible Expedition, and that the Treasurer be directed to make the necessary supply accordingly. Sent down for Concurrence. Read and Concurred.

Sent up.

A motion was made by several of the Members, that the House might proceed to the Election of Two Councellors in the Room of those that were Negatived. And after a full debate had thereon, The Question was put, Whether the House

would go upon the Choice of Two Councellors in the Room of those that were Negatived by His Excellency? *And it passed in the Negative.*

A Bill in Addition to an Act for appointing Commissioners of Sewers, made in the 1st Year of Queen Anne. Read a First Time.

Charles Forst Esq; brought down a Petition Signed *John Billings, Isaac Royal* and *Ralp Pope*, Proprietors of *Dorchester*, Praying that in order to their having the advantage intended them by the General Court in *March* last,

The Honourable Judges of the Superiour Court may be directed by a private Act to try their Cause at said Court, passed on in Council, *viz. June 8th* 1722.

Read and

Ordered, That the prayer of the Petition be Granted, and that the Petitioners have liberty to bring in a Bill accordingly. Sent down for Concurrence.

Also a Petition Signed *Nathaniel Brewer* and *Nathaniel Glover* in opposition to the said Petition. Both Read.

A Memorial Signed *Zachariah Bicknell* of *Barrington*, (presented *July* the 16*th Anno* 1721. and referred to this Session) desiring to be Resolved in this Question. Whether all the 100 Acres of Meadow lying in the Town of *Barrington*, ought any longer to be taxed to the Town of *Rehoboth*, &c. Also [15]

An Answer to said Memorial Signed *Daniel Smith* and *Nathaniel Brown*, Agents for the Town of *Swanzey* in opposition to said Memorial, which was Read, and a Record of the Settlement of the said Meadow by the Government of the late Colony of *Plymouth*, all Read, and the Question being put, *Whether all the Hundred Acres Meadow lying in the Line of* Barrington, *which used to be Rated to the Town of* Rehoboth, *shall now be rated to the Town of* Barrington?

It pass'd in the Negative.

Mr. *Clarke* from the Committee Reported, that they had taken up a Ship belonging to Capt. *Papillion*, and that she would be ready by to Morrow Morning to take on Board her Guns, Stores, &c.

Whereas this Court has Resolved, that a suitable Vessel Manned with One Hundred Men, be well furnished and equipped with all Warlike Stores Offensive and Defensive, shall be Dispatch'd, and sent out with all possible Expedition, to reduce and suppress a Piratical Brigantine, now infesting our Coast;

For Encouragement of that Expedition, under the Command of Capt. *Peter Papillion*,

Voted, That the Captors shall be Entitled to the Piratical Vessels they shall take, and all the Goods, Wares, and Merchandize whatsoever, that shall be found on Board belonging to the Pirates, so far as is consistent with the Acts of Parliament in such Cases made and provided.

And for further Encouragement, that they be paid out of the Publick Treasury, the Sum of *Ten Pounds* per Head for every Pirate killed, or that shall be taken by them, convicted of Piracy: And be also Entitled to the Common Wages of the

Port. And in case any Man on Board be maimed or wounded in engaging, fighting and repelling the Pirates, he shall be Entitled to a Bounty suitable to the Wounds he or they shall receive, to be Allowed out of the Publick Treasury.

Sent up for Concurrence.

Post Meridiem.

Thomas Hutchinson Esq; brought down the Petition of *Thomas Smith*, passed on in this House the 7th Instant, which was Concurred by the Board, with an Amendment (*Provided no advantage be taken of any defect or errour in the Writt, so as to prevent the Cause from going to a Jury.*)

Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred.

The Town of *Weymouth* gave in their Objections against the Petition of *John Vinning*, &c. Inhabitants of the South Part of *Weymouth*, presented the 1st Instant. Which was Read. And

Resolved, That Mr. *Dudley*, Mr. *Stone* and Mr. *Quincey*, with such as the Honourable Board shall Appoint, be a Committee to go to *Weymouth*, and enquire into the State of the Town, whether they are able to Maintain Two Ministers in Two distinct Churches, and make their Report to this Court at their next Sessions. Sent up for Concurrence.

A Petition Signed *Jonathan Whiting* and 44 others, Grantees in the South Town, Westward of *Groton*, lately granted them by the General Court, (Shewing that part of that Land has been since added to *Lancaster*, by Order of the General Court) and praying that they may have a Hearing upon it, &c. Read,

And

Resolved, That the Consideration thereof be referred till Wednesday next in the Forenoon. [16]

Jonathan Dowse Esq; brought down the Vote of Council, *viz. June* 8th. 1722. *Ordered*, That the Sheriff of the County of *Suffolk* do forthwith commit to the Goal in *Boston*, the Bodies of *Ephraim Howard*, *Edward Howard*, *Ephraim Fobes*, and *Daniel Howard*, there to remain till further Order of this Court.

Sent down for Concurrence.

Read and Concurred with Amendment, *viz.* the Words, *there to remain until further Order of this Court*, to be withdrawn out of the Vote.

Sent up for Concurrence.

Jonathan Belcher Esq; brought down the following Vote of Council, viz. *Whereas the Court of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of* Middlesex, *appointed by Law to be Held at* Cambridge, *in said County upon the Second Tuesday of June* Currant; *And several of the Justices of said Court, &c. concerned, are Members of this Court,*

Ordered, That in consideration of the present sitting of the General Court, the Justices of the said Courts are directed to Adjourn the said Courts to the Second Tuesday of *July* next, any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence, *J. Willard*, Secr.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 9 die Junii 1722.

A Petition Signed *Ephraim Howard*, *Edward Howard*, *Ephraim Fobes* and *Daniel Howard* Prisoners, Confessing their Faults, and praying to be Released from their Imprisonment. Read.

Resolved, That the Sum of *One Hundred Pounds* be Allowed and Paid out of the Publick Treasury to Capt. *Peter Papillion*, to be by him distributed *Twenty Shillings*, to every able-bodied Man, that shall inlist himself under him for this present Expedition, as part of their Wages. Sent up for Concurrence.

A Petition Signed *Thomas Thomson*, praying some further Allowance from this Court for the Use of his House at *Cambridge* in *March* last.

Read and Dismist.

Mr. Secretary brought down a Vote of Council, *viz.* In Council *June* 8. 1722. *Whereas the General Assembly did at their Sessions in* Cambridge, March *last*, Resolve, *That the Treasurer stop out of Capt.* Harmons *pay*, *for* Philip Amy, *l.* 6. David Burnum *l.* 3 J. Emery 50*s.* *and out of Leut.* Goddards *pay for* Daniel Hastings *l.* 2 *to be paid to Mr.* Nathanael Knoulton *for their Use: And whereas said Money was not stopped out of the last Muster-Roll of the said Officers, who are still in the Service.*

Resolved, That the above Sums amounting to *l.* 13 10*s.* be Allowed and Paid out of the Publick Treasury to Mr. *Nathanael Knoulton*, for the use of the said *Philip Amy*, *David Burnam*, *James Emery*, and *Daniel Hastings*, in proportion as abovesaid, and that the said Sums be stopped out of the Wages of said Officers in the next Muster-Roll. Sent down for Concurrence.

Read and Concurred. Sent up. [17]

In the House of Representatives,

Resolved, That the Treasurer be directed to stop out of the Wages belonging to Capt. *Johnson Harmon*, Capt. *Francis Barker*, and Lieut. *John Goddard*, the Sum of *l.*8 15*s.* in equal proportion; for so much paid *Rowland Dyke* his Charge in going Express Eastward, to Summon those Officers to appear before the General Court, in Answer to the Complaints brought against them by the Soldiers under their Command, at the last Sessions. Sent up for Concurrence.

A Petition Signed by the Inhabitants of *Biddeford*, praying that the Sum of

l 40. may be allowed them out of the Publick Treasury for the Maintenance of their Minister. Read, and left for further Consideration.

A Petition Signed *Richard Frost*, & *Rowland Dyke*, Halberdiers to His Excellency, praying some Allowance to them for that Service.

Read and Dismist.

A Petition Signed *Samuel Mattock*, *Wm. Ambrose*, &c. Heirs of *James Mattock* deceased, praying that this Court, would make the Estate of *James Mattock* (which they have Sold) to be an absolute Estate in Law to the Purchasers to all intents and purposes against the Grantors and their Heirs. Read.

A Petition Signed *John Hubbard*, *Zachary Hubbard*, Executors of the Last Will and Testament of Capt. *Zachary Tuthill*, late Victualler of *Castle William*, praying that as he advanced the Sum of *l* 338 6*s*. 7*d*. more than he received for Victualling the Soldiers from *May* 1706. to *April* 1713. they may be Allowed for the same out of the Publick Treasury. Read and Dismist.

An Accompt Signed *William Pratt*, amounting to *l*. 8 15*s*. being for the Hire of his Sloop Seven Days. Read and Committed.

John Cushing Esq; brought down an answer to the Petition of *Edward Jackson* of *Newton*, passed in Council, *viz*. In answer to the Petition of *Joseph Jackson*, (the answer of *Edward Jackson* being read and Considered.)

Ordered, That the prayer of the Petition be granted; and that the Petitioner have Liberty to bring in a Bill accordingly.

Sent down for Concurrence Read and Concurred.

A Petition Signed *Edward Winslow* Sheriff, praying that he may be allowed the Sum of *l*. 3 15 *s*. Sterl. for the Victualling of *Richard Fortune* and *William Bantfield*, who were sent by him as Witnesses against Capt. *Matthias Bant* by Order of the Superiour Court, &c. Read and dismist.

And then the House Adjourned till Tuesday next Three a Clock Afternoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [18–19]

VOTES

Of the House of Representatives.

Lunæ 11 die Junii 1722.

EPhraim Fobes, *Edward*, *Ephraim* and *Daniel Howard*, presented a very humble Petition to the Court, in acknowledgment of their Fault, and praying to be released from their Imprisonment. Which was Read, and

Voted, That they be released from their Imprisonment, giving Caution to the Sheriff that they attend the Order of this Court.

Sent up for Concurrence.

A Bill in Addition to the Act directing the Admission of Town Inhabitants, made and passed in the 13th Year of the Reign of King William.

Read a first Time.

A Bill in Addition to and Explanation of an Act Entituled, An Act directing how Meetings of Proprietors of Lands lying in Common may be called, made and passed in the 11th Year of the Reign of her late Majesty. As also in Addition to the Act for better Regulating of Town and Proprietors Meetings, made and passed in the 2d Year of His present Majesty's Reign. Read a first Time.

Jonathan Dowse Esq; brought down a Petition Signed *John Dye* of *Little Compton*, praying that he may be Enabled to sell 10 Acres of Land, (part of 40 Acres formerly given to his Son to be enjoyed by him after his Decease) for Payment of his Debts contracted, &c. for reason therein, passed on in Council, *viz*, Read and *Ordered*, That the prayer of the Petition be Granted, and that he be impowered to make and Execute a good and sufficient deed or deeds in the Law for the sale of the said 10 Acres of Land, any Law, usage or custom to the contrary or any thing in the former Deed notwithstanding.

Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred with Amendment, *viz.* That the Select Men of *Little-Compton* be impowered to take Care of the Sale of the Land and look after the Payment of his Debts, provide for his necessary Maintenance, and what is left after his Death be secured for the benefit of his Grand Children; and that the Widow and Guardians of the Children have the preference in the Sale of the Land. Sent up for Concurrence.

A Bill in Addition to and also for Alteration of a Clause in an Act for appointing Commissioners of Sewers, made in the first Year of the Reign of Queen Anne.

Read a 2d. Time.

An Accompt Signed *Samuel Patridge*, amounting to *l.* 162 10*s*. For Wages and billeting 11 Soldiers at *Northfield* from *December* 1. 1721. to *May* 20 following.

Also an Account Signed *Thomas Hastings* Chirurgion amounting to *l.* 4 2*s.* for looking after *Joseph Allen* one of the Soldiers of said Garrison.

Both Read and Committed.

A muster Roll Signed *John Gray*, Captain of Fort Mary, from *March 2d* 1721. to *March 25th* following. Read and Committed.

Then the House Adjourned till to Morrow Morning Nine a Clock. [20]

Martis 12 die Junii 1722.

THe Report of the Committee of both Houses for settling a Meeting House on the West-side of *Sudbury* River, was presented with the Vote of Council thereon. *viz*

Sudbury, April 18. 1722.

Having viewed the places proposed, and the several parts on the West side of the River, agreed, That Rockey plain is the most convenient place for a Meeting House for accommodating the Inhabitants on the West side of *Sudbury* River, and that accordingly it be placed near Thirty Rod to the Westward of a new House lately erected on Rockey Plain (and where there has been preaching for some Sabbaths) near the place where a Road from *Concord* to *Wood-mill* crosses the Road to *Lancaster*, and to stand to the Northward of said House.

W. Tailer per Committee.

Reasons.

1. Because Rockey Plain is the most convenient for Situation to accommodate the greatest part of the Inhabitants on the West side.

2. Though Poplar-Swamp gutter be pretty near the Center of the Land on the West side, yet considering the Quality of the Land which we have viewed, our opinion is that the Land on the East side is as capable of accommodating new or more Inhabitants than the Land on the West side.

3. The Roads or Ways to Rockey Plain make it more convenient for the People on the Lord's-Day, especially in the Winter season, than at Poplar-Swamp-gutter.

4. Four fifths of the Inhabitants on the West side of the River are very desirous, that it might be at Rockey Plain, and though several of them live nearer to Poplar-Swamp-gutter, yet out of Regard to the Peace and Interest of the Precinct choose it should be at Rockey Plain.

With respect to the Inhabitants that Live most remote on the North side of Stow River,

We propose, that considering their living beyond the River, and so much nearer to *Stow* Meeting House, where they generally attend the Publick Worship, and are still likely so to do, that they may be eased as to any Charge in the Precinct, and set off to *Stow*, as to the Ministerial Charge.

Unanimously Agreed to by all (except Mr. *William Wilson*) who objected only against the last proposal as to those that live on the North side of *Stow* River.

W. Tailer per Committee.

In Council *June 2d*, 1722: Read and

Ordered, That this Report be accepted so far as it relates to the placing the Meeting House. And that the Meeting House, in *Sudbury* be placed in Rockey-Plain accordingly. Sent down for Concurrence *J. Willard*, Secr.

Read and Concurred Sent up.

A Bill Entituled, An Act for granting to His Majesty several Duties of Impost and Tonage of Shipping. Read a first Time.

An Accompt Signed *Humphry Chadbourn*, *James Grant* and *Thomas Butler*, amounting to *l.* 7 16*s.* for their Care and Trouble in securing the Loggs Cut above the Township of *Berwick*, per Order of this House. Read and

Resolved, That the Sum of *l.* 7 16*s.* be allowed and paid out of the Publick Treasury to the Accomptants in full discharge of said Accompt.

Sent up for Concurrence. [21]

A Petition Signed *Jonathan Green* of *Newton*, praying that he may be Enabled by this Court, to have a new Tryal against *Jonathan Hancock* of *Cambridge*, &c. for reasons therein. Read and Dismist.

A Petition Signed *Stephen Minot*, *Thomas Smith* and *Estes Hatch*, a Committee for the Town of *Rutland*, praying that they may be impowered with all the Privileges and immunities of other Towns, and farther, to lay 3*d.* per Acre on the Lands within the 6 Miles square for Two Years and a half, for reasons therein, &c. Passed on in Council, *June 12th.* 1722. *viz.* Read, and *Ordered*, That the Prayer of the Petition be Granted, and that the Petitioners bring in a Bill accordingly.

Sent down for Concurrence. Read, and Non-concurred.

Sent up.

A Petition Signed *John Billings*, *Isaac Royal*, and *Ralph Pope*, brought from the Board the 8th Instant, Passed on in Council, and Read. Again Read, Debated, and the Question being put, *Whether the House would refer the further Consideration thereof till Friday next, that both Parties may have liberty to enforce their Petitions?* It pass'd in the Affirmative.

Post Meridiem.

A Bill in Addition to and Explanation of an Act, Entituled, *An Act directing how Meettings of Proprietors of Land in Common may be called, Made and Passed in the Eleventh Year of the Reign of Queen Ann.* As also *in Addition to the Act for better Regulating of Town and Proprietors Meetings, Made and Passed in the Second Year of His present Majesty's Reign.* Read a Second Time.

A Bill in Addition to an Act directing the Admission of Town Inhabitants, Made and Passed in the Thirteenth Year of the Reign of King William the Third.

Read a Second Time.

A Petition Signed *Henry Gibbs*, *John Cotton*, praying this Honourable Court, would be pleased to Appoint a Committee, to make a Division of Lands, &c. left them. Read, and Dismist.

Samuel Sewall, *Penn Townsend*, and *Addington Davenport* Esqrs; brought down the following Vote of *June* 12th. 1722. The Board having had Consideration of a Paragraph in a Paper call'd the *New-England Courant*, published Monday last, relating to the fitting out a Ship here, to proceed against the Pirates; and having examined *James Franklin* Printer, he acknowledged himself the Publisher thereof: And finding the Paragraph to be grounded on a Letter pretended by him to be received from *Rhode-Island*. *Resolved*, That the said Paragraph is a high Affront to this Government. Sent down for Concurrence.

Read and Concurred. Sent up.

Resolved, That the Sheriff of the County of *Suffolk*, do forthwith commit to the Goal in *Boston*, the Body of *James Franklin* Printer, for the gross Affront offered to this Government, in his Courant of Monday last, there to remain during this Session. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock. [22]

Mercurii 13 die Junii 1722.

A Petition Signed *Jonathan Whiting*, and 42 others, Grantees in the South Town lately granted by the General Court, presented the 8th Instant, Read, and referred to this Day, Again Read. Also a Memorial Signed *John Houghton*, *Ja. Wilder*, and *Joseph Wilder* in behalf of the Proprietors of the Additional Grant to the Town of *Lancaster*, in Answer to said Petition. Read.

And

The Question being put, *Whether there shall be a Hearing on the Petition Signed* Jonathan Whiting, &c. *before the whole Court on Wednesday the 20th Instant?*

It pass'd in the Affirmative. Sent up for Concurrence.

An Accompt Signed *Samuel Gookin* Sheriff, being for Charges on Monsieur *Casteen*, and the Indian Hostages. Read, and Committed.

A Petition Signed *John Menzies*, *John Lynd*, and *James Southgate*, Select-Men of *Leicester*, praying as Entred therein. Read, and Committed to Mr. *Dudley*, Mr. *Stoddard*, and Mr. *Chandler*, to consider the Prayer of the Petition, and make there Report thereon to the House.

Mr. *Dudley* from the Committee Reported, *viz.*

Ordered, That the Inhabitants of the said Town of *Leicester*, shall have, use, enjoy, and exercise the Powers, Privileges and Immunities that any other Towns

have, and that the present Town Officers, shall remain and continue in their respective Places and Trusts, until others are chosen in their Rooms at the Annual Town Meeting in *March* next; And that the Town Rate or Tax Granted and Agreed upon by the said Town, in a Legal Town-Meeting, of 5 *s.* per the Poll, and 2 *d.* per the Acre, and accordingly Assessed by the Select Men or Assessors, who were under Oath, directed to the Constable or Collector of said Town, Dated on *April* the 8*th.* 1722. be and hereby is Confirmed and Established, and the Constable *Daniel Denny* to whom the Warrant for Collecting the same is directed, be and hereby is fully impowered, authorized, and directed to proceed and act according to the said Warrant, and the Laws in that Case provided. *Saving*, to any Person over-rated contrary to that Towns Vote, there is Remedy by and from the General Sessions of the Peace in the County of *Middlesex*, according to the Direction of the Law. *Wm. Dudley*, per Order.

Read, and Accepted. Sent up for Concurrence.

Jonathan Dowse Esq; brought down the Petition of *Ephraim Howard*, &c. Sent up for Concurrence the 11th. Instant, with a Vote of Council thereon, *viz.* Read and Concurred with Amendment, (*upon their paying the Charge and Damages already occasioned by their misdemeanours.*

Sent down for Concurrence. Read and Concurr'd. Sent up.

Also a Petition Signed by sundry Inhabitants of *Worcester*, passed on in this House, and Sent up for Concurrence the 7th. Instant, passed on in Council, *viz.* Read and Concurred with the Amendment, viz. (*that it be recommended to that Council only of Seven Churches, which did meet at* Worcester, *in* Sept. 1721. *to whom the contending Parties submitted their differences relating to the Rev. Mr.* Andrew Gardner, *that the same Council proceed as soon as may be to finish what is further necessary to be done for procuring and establishing Peace in said Town.*

Sent down for Concurrence. [23]

Read and Concurred with the following Amendments, *viz.*

That the Word *Earnestly* be inserted before the word Recommended, and the following words be added to the Amendment of the Honourable Board, *According to the Submission of the Parties;* that instead of the words as soon as may be, the following be put in, *and go to Worcester on or before the Third Wednesday in July next.*

And that the Freeholders & Inhabitants of the Town of *Worcester*, be assembled on the Second Tuesday of *August* next, at Ten a Clock in the Forenoon, to Chuse all Town-Officers as by Law accustomed, for Towns to do at their Annual Meetings in *March.* And that at the Opening of the Meeting they first proceed to the Choice of a Moderator, by written Votes. Sent up for Concurrence.

A Bill Entituled, *An Act for Granting to His Majesty several Duties of Impost and Tunnage of Shipping.* Read a Second Time.

A Muster Roll from *Castle William*, being from March 2*d.* 1722. to May 31*st.* following. Read, and Committed.

Jonathan Dowse Esq; brought down a Petition Signed *Stephen Minott*, *Thomas Smith*, *Estes Hatch*, Committee for the Town of *Rutland*, praying that they may be indulged with the Privileges that other Towns Enjoy, &c. Passed on in Council, *viz.* Read, and *Ordered*, That the Prayer of the Petition be Granted, and that the Petitioners have Liberty to bring in a Bill accordingly.

Sent down for Concurrence. Read, and Concurred.

An Accompt Signed *George Pemberton* amounting to *l.* 38 12. for Medicines and Attendance administred to Soldiers at the Castle from *Feb.* 19*th* to *May* 1*st* past, Read and Committed.

Voted, That Mr. *Cooke*, Mr. *Chambers* and Mr. *Clarke* be a Committee of this House to repair to Castle *William* and inquire into the State and Circumstances of that Garrison. To take an Account of all the Stores belonging to the same, and take a Receipt of them, from the several Officers that have the Charge of the Stores and make their Report to this House accordingly.

Post Meridiem.

A Petition Signed *Benjamin Swain*, &c. presented the 6th Instant was Read a 2d Time and Dismist.

A Petition Signed *John Hedge* Representative for the Town of *Yarmouth*, praying that the Eastern part of the said Town may be set off as a Precinct according to a Vote of that Town herewith presented. Read and

Ordered, That the prayer of the Petition be granted.

Sent up for Concurrence.

Voted, That the Hearing that was to be this Day on the Petition of *Nathaniel Hubbard* Esq; &c. be at his request referred to Friday the 15th Instant Afternoon.

Sent up for Concurrence. [24]

John Cushing, *Adam Winthrop* and *Paul Dudley* Esqrs; brought down a Memorial of the Overseers of Harvard College, proposing that the Corporation of the College may be enlarged, and that this Court would have regard to the Resident Fellows and Tutors of the College that they may be of that Number.

Signed *H. Flint*, Clericus Curatorum.

Also a Vote of Council thereon *viz.*

Ordered, That *Benjamin Lynde*, *Addington Davenport*, *Thomas Hutchinson*, *Edmund Quincey* and *Paul Dudley* Esqrs; be a Committee to join with such as the Honourable House of Representatives shall appoint to consider of this Memorial, and Report what is proper for this Court to do thereon.

Sent down for Concurrence *J. Willard*, Secr.

Read.

A Bill to Enable Joseph Jackson *of* Newton, *in the County of* Middlesex, *to File*

his Reasons of Appeal from a Decree of the Houourable Francis Foxcroft *Esq; &c.*
Passed on in Council, *June* 13. 1722. *viz.* Read Three Times,
And Passed to be Engrossed. Sent down for Concurrence.
Read a First Time.
Then the House Adjourned till to Morrow Morning Nine a Clock.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [25]

VOTES

Of the House of Representatives.

Jovis 14 die Junii 1722.

VOted, That *Elisha Cooke* Esq; be Speaker of this House in the absence of *John Clarke* Esq; who is indisposed.

Jonathan Remington Esq; from the Committee to Audit the Treasurers Accompt Reported, that they had attended that Service and gone through the same, they found them right Cast and well Vouched in every article thereof. In the House of Representatives. The Accompt of *Jeremiah Allen* Esq; Treasurer and Receiver General of the Province of the *Massachusetts-Bay* in *New-England*, beginning *May* 31*st*, 1721. and continued to *May* 31*st*, 1722. Amounting to *l.* 96847 8*s.* 8*d.* having been presented and laid before the House of Representatives and inspected by said House, by which it appears there was standing out the 31*st* of *May* 1722. *l.* 2929 3*s.* 8*d.* of the Taxes *l.* 11809 2*s.* Nett Province Bills and *l.* 5127 0*s.* 4*d.* farth. with the 5 per Cent. thereon in the Treasury, and farther to be Accounted for.

Voted, That the said Accompt and the several articles of Receipts and Payments therein mentioned, amounting to the Sum of *l.* 76982 2*s.* 8*d.* be and hereby are allowed of, and the said Treasurer is hereby discharged of the said Sum of *l.* 76982 2 *s.* 8 *d.* Sent up for Concurrence.

A Bill in Addition to an Act for appointing Commissioners of Sewers, made in the first Year of the Reign of Queen Anne. Read a third Time. And

Resolved, That the Bill do pass to be Engrossed.

Jonathan Belcher Esq; brought down the *South Town* Petition, Read and Concurred in Council with amendment (provided the hearing be had on Wednesday the 27th Instant.) Sent down for Concurrence.

Read and Concurred.

Charles Frost Esq; brought down a Petition Signed *Simon Willard*, *Jacob Manning*, &c. a Committee for the East Parish in *Salem*, praying that the former Collectors who are in Arrears, may be admitted to their Oaths to Collect their Arrears and Taxes. Passed on in Council *viz. June* 14*th.*

Ordered, That the prayer of the Petition be granted, and that the said Collectors be admitted to their Oaths and impowered accordingly. That so there may be no Defect in gathering the Taxes. Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence.

Read and Concurred.

A Bill to Enable Edward Jackson *of* Newton *to file reasons of Appeal from the decree of* Francis Foxcroft *Esq; &c.* Read a second Time.

Post Meridiem.

A Petition Signed by Sundry Inhabitants of *Concord* and *Sudbury*, praying, That this Court would pass some Order for the Removal of a Dam built on *Sudbury* River by Mr. *Osgood;* that so they may be supply'd with Fish, and their Meadows preserved from overflowing. [26]

Read and referred to the next Sessions of this Court; a Committee being appointed by the Governour and Council to view the same and make their Report thereon.

A Bill to Enable Thomas Smith *of* Ipswich *in the County of* Essex, *Innholder to Review an Action brought against him by* William Baker *of* Boston, &c.

Read a first Time.

Mr. *Cooke* from the Committee Reported, That they having at sundry times made inquiry of the Situation and Circumstances of Fort Mary at *Winter-Harbour*, are humbly of opinion, That that Fort is of no Service as a Barrier or Security to the Inhabitants of that Town, nor any Bridle to the Indians. And there being now, as we are informed, but five Centinels, and three of them old Men, the Guns belonging to the Garrison both Great and Small unfit for Service, and that in dry seasons they are obliged to go two or three Miles for Water for the use of the Garrison.

The Committee are therefore of opinion, That that Fort, being of no Publick benefit, It is for his Majesty's Service, That it be slighted and no longer continued. And that no pay or Subsistance be allowed and paid out of the Publick Treasury for any Officer and Soldiers there, after the 12th Day of *July* next, and that Mr. Treasurer *Allen* be directed to take speedy Care that the Provisions, Ordnance, Arms, Ammunition and all other Stores of War at that Fort, be Transported to *Boston* and lodged with him. Read and Accepted.

Mr. *Cooke* from the Committee of Petitions Reported,

On the Accompt of *Benjamin Haley* of Winter Harbour for Wood.

The Committee are of Opinion, That *Two Shillings* per Cord be deducted, and that the Sum of *l.*2 5*s.* and no more be allowed and paid out of the Publick Treasury to *Benjamin Haley*, in full Discharge of the said Accompt.

Read, Accepted, And Sent up for Concurrence.

On the Accompt of *William Pratt* for Sloop hire, &c.

The Committee find it well vouched, just and right, and that the Sum of *l.*8 15*s.* be paid to *Wm. Pratt* out of the Publick Treasury to Discharge the said Accompt. Read, Accepted, And Sent up for Concurrence.

On the Accompt of *Benjamin Haley* for Work done at Fort *Mary*.

The Committee find it right cast and well vouched (except the Article of 8*s.* for Clay and Carting) which should be reduced to 4*s.* That therefore the Sum of

*l.*4 13*s.* 3*d.* be paid to the Accomptant *Benjamin Haley* out of the Publick Treasury, in full Discharge of this Accompt. Read, Accepted,

And Sent up for Concurrence.

On the Accompt of *Benjamin Haley* for Wood for Fort *Mary.*

The Committee having Examined the same, are of Opinion that *Two Shillings* per Cord, & 2*s.* per Load, ought to be abated of said Accompt. That therefore the Sum of *l.*24 2*s.* only, be allowed and paid out of the Publick Treasury to *Benjamin Haley* the Accomptant, in full Discharge of said Accompt.

Read, Accepted, And Sent up for Concurrence.

On the Muster Roll of the Company at *Northfield*, Signed *S. Partridge.*

The Committee find it right cast, Col. *John Stoddard*, assuring the Committee, That the Persons entred thereon, are at *Northfield* on that Service. That therefore the Sum of *l.*162 10*s.* be Allowed and Paid out of the Publick Treasury to *Henry Dwight* Esq; in full Discharge of Wages, and Billetting the Soldiers in said Muster-Roll mentioned. Read, Accepted,

And Sent up for Concurrence. [27]

On the Accompt of *Thomas Hastings*, Chirurgion to said Garrison.

The Committee are of Opinion, that the Sum of *l.*4 2*s.* be allowed and paid out of the Publick Treasury to *Henry Dwight* Esq; on the Accompt of Doctor *Hastings.*

Read, Accepted, And Sent up for Concurrence.

A Bill in Addition to and Explanation of An Act Entituled, An Act directing how Meetings of Proprietors of Lands lying in Common, may be called, &c.

Read a Third Time. And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

A Bill for further Establishing the Town of Rutland, *and impowering them to choose all proper Officers, to raise and collect* 3*d. per Acre on all the Lands within the Six Mile Square, &c.* Read a First Time.

A Petition Signed *Jonathan Jackson* of *Scituate*, praying that as this Court was pleased to allow him *l.*4 per Annum for his relief for the Wound he received in the Service of the Country in King *Philips* War; they would now in his Old Age be pleased to grant him some further Support. Read, And

Resolved, That for the Considerations mentioned in the Petition, the Sum of *l.*4 per Annum be added to his Allowance, and paid out of the Publick Treasury to *Jonathan Jackson* the Petitioner, during his natural Life.

Sent up for Concurrence.

A Petition Signed *Henry Vorce*, *John Wadsworth*, and *Benj. Fenno*, specially appointed by the Town of *Milton*, praying that this Court would approve and confirm the Vote of the Town for building their Meeting-House on the Ministerial Land. Also,

A Petition Signed *Samuel Miller*, *Samuel Swift*, and *George Badcock*, in opposition to the said Petition. Both Read, And

Ordered, That Mr. *Cushing*, Mr. *Stone*, and Mr. *Sandford*, be a Committee to repair to *Milton*, view the Place appointed by the former Committee; and find out the most convenient Place, and nearest to it, for Erecting a Meeting-House, and make their Report to the House accordingly.

An Accompt Signed *John Mariner*, amounting to *l.*24 for Sloop Hire, and Wages of the Sloop Britany. Read, and Committed.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 15 die Junii 1722.

A *Bill to Enable* Thomas Smith *of* Ipswich *in the County of* Essex *to review an Action, &c.* Read a Second Time.

A Petition Signed *Jeremiah Belcher* of Boston, praying that a Surveyor and Chain-men may be appointed to lay out to him 300 Acres of Land, (where it may be found) to Answer a Grant made to his Father, Anno 1659. Read.

A Bill for further Establishing the Town of Rutland, &c.

Read a Second Time.

Joseph Buckminster Esq; Messieurs *John Sheple* and *Joseph Winslow* a Committee appointed in *March* last, to Survey the Land on each side *Merrimack-River* between *Suncook* and *Cuntacook*. Reported, [28]

That they had Surveyed the said Land, and find that there is a great Quantity of Waste Land, and some good Land in it. And are of Opinion that the same may be accommodable for Settling a Township, if laid out large enough. That they had also viewed the Lands on both sides the River between *Amaskeeg-Falls* and *Dunstable*, where there is a great deal of poor Pine Land, and a considerable Quantity of good, and sufficient for a Township, if the Irish do not Interrupt their Settlement, &c. Read, And

Ordered, That Mr. *Dudley*, Mr. *Wainwright*, Mr. *Ward*, Mr. *Fullum*, and Mr. *Stoddard* be a Committee to consider their Report, and the Petition of the *Ipswich* People, for the Settlement of another Town on *Merrimack River*. To propose some Terms and Methods for the Settling them in a defensible manner, and lay the same before this House.

A Bill in Addition to an Act directing the Admission of Town Inhabitants, made and passed in the Thirteenth Year of King William. Read a Third Time.

Whereas this House is informed by a Committee imployed at a Sessions in March *last to survey the Lands on each side of* Merrimack-River *between* Suncook *and* Cuntacook. *That in performing said Service they observed a New Line marked upon several Trees particularly on one corner Tree marked with the Letter* N, *and several other Trees with other Letters, which Tree is not more than One mile and a half from* Merrimack-River: *And discoursing with some Irish People, they declared, that they had a Grant from the Government of* New-Hampshire, *of the Land home to*

Merrimack-River *from* Amaskeeg-Falls, *and that they were Resolved to make a speedy Settlement thereon.*

Ordered, That *Joseph Buckminster* Esq; Capt. *Ward*, and Capt. *John Sheple*, be a Committee to wait on His Excellency the Governour, and desire him to acquaint the House, whether the Goverment of *New-Hampshire* have Granted any such Tract of Land, That this Government may prevent any such Incroachments on the Lands and Properties of this Province.

A Message by Mr. Secretary *Willard*, That His Excellency Expects this Honourable House to come up to the Board this Morning, to the Hearing of the Petition of *Nathanael Hubbard* Esq;

Mr. Speaker and the House went up accordingly, and after a full Hearing thereof returned to their own Chamber.

A Petition Signed *John Wainwright* in behalf of himself and 80 others Inhabitants of the Town of *Ipswich*, praying that as the Lands which they Surveyed by Order of this House is not suitable to make a Settlement for a Township. They are informed that there is a Tract between *Shew-brook* which is the Southermost bounds of the Land lately Surveyed between *Suncook* and *Cuntacook* and *Amaskeeg-Falls*, consisting of good Land suitable for a Township. Praying that it may be granted to them, &c. Read, and referred to the Committee appointed to consider the Report of Mr. *Buckminster*, Mr. *Sheple*, and Mr. *Winslow*, to make their Report thereon also. And that the Accompt of the Expences given in by Col. *Buckminster*, &c. be also referred to them.

Spencer Phipps Esq; brought down an Indent Signed by the Gunner of Castle William for Stores.

A Petition Signed *James Franklin*, acknowledging his Offence, and praying that he may be allowed the Liberty of the Yard, for Reasons therein. Read. [29]

Post Meridiem.

A Bill to Enable Thomas Smith *of* Ipswich *in the County of* Essex, *Taverner, &c.* Read a third Time. And

Resolved, That the Bill do pass to be Enacted.

A Petition Signed *Waitstill Strong* and 60 others Inhabitants of *Northampton*, *Hadley* and *Hatfield*, which was presented in *March* last, and referred to this Sessions, praying that a Tract of Land Eight Mile Square on *Ahousetonick River*, next the Albany-Road may be granted to them for a Settlement. Also

A Petition Signed *Joseph Parsons* and 100 others, Inhabitants of the County of *Hampshire*, presented in March last, and referred to this Sessions. Praying for another Town of 8 Mile Square on said River next to the former. Both Read, And committed to Mr. *Dudley*, Mr. *Wainwright*, Mr. *Ward*, and Mr. *Fullam*, to consider them, and make their Report thereon.

A Petition Signed *Daniel Rogers* presented the 1st Instant, praying that a Grant of 4 Mile Square may be added to the former Grant of *Cox hall*, lying between *Mousum* and *Kennebunck River*.

Read again, and Ordered to lie upon the Table.

A Petition Signed by sundry Inhabitants of *Framingham* and *Sherburn*, praying that they may have Liberty to purchase 3000 Acres of Land lying near to the Land lately purchased of the Province, to be added to the Town of *Sherburn* for making a Village. Read, And

Ordered, That Mr. *Chandler*, Mr. *White*, and Mr. *Ward*, be a Committee to repair to the Place Petitioned for, Survey the same, and make their Report to this House of the Goodness and Quantity of the Land.

According to the Order of the Day,

A Petition Signed *John Billings*, *Isaac Royal*, *Ralph Pope*, sent down the 8th Instant, and referred to this Day, was Read again, and the Petitioners admitted into the House, with *Nathanael Brewer*, and *Nathanael Glover*, the opposite Petitioners, who were also heard, and the further consideration thereof referred to Tuesday Morning the 19th Instant, that the Petitioners might shew their Power from the Proprietors of the Town of *Dorchester*.

John Cushing Esq; brought down the following Vote of Council, *viz.* The Board taking into consideration the great inconvenience arising to the Affairs and Trade of the Province for want of Small Money for Change (the Copper halfpence being sent out of the Province) and thereupon ill minded People have presumed to split or tare the New Small Bills of Credit of the Province, notwithstanding the Proclamation to the contrary, to the great dishonour of the Government, and prejudice of the Province.

Voted, That *Penn Townsend*, *Thomas Hutchinson*, and *Jonathan Belcher*, Esqrs; with such as the Honourable House of Representatives shall appoint be a Committee to think of, and Report to this Court, what may be proper to be done in that Affair. Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred, And *Voted*, That Mr. *Clarke*, Mr. *Tay*, Mr. *Chambers*, and Mr. *Remington*, be added to the Committee. Sent up.

Voted, That the House proceed to the Taxing the several Towns in the Province to a *l.* 1000 Tax on Wednesday the 20th Instant.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 16 die Junii 1722.

MR. *William Clarke* laid before the House an Accompt of the Present sent to Col. *Abomazine*, which was Accepted.

Mr. *Cooke* from the Committee Reported. That the Sum of *l.* 1 10*s.* and no more be allowed and paid out of the Publick Treasury to *Nathaniel Tarbox* in full of his Accompt Read and Accepted

And Sent up for Concurrence. [30]

A Bill for further establishing the Town of Rutland. Read a Third time.

And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

William Dudley Esq; from the Committee appointed to Audit Col. *Buckminster*, &c. their Accompt of Surveying *Merrimack-River*. Reported,

That *l.*117 9*s.* 6*d.* be allowed and paid out of the Publick Treasury. viz. To *Joseph Winslow* the Sum of *l.*26 13*s.* for himself and Man. To *Joseph Buckminster* and Mr. *Sheple* the remaining *l.*90 16*s.* 6*d.* in full discharge of the said Accompt. Sent up for Concurrence.

Nathanael Norden Esq; brought down *A Bill to Enable* Thomas Smith of *Ipswich to review on Action*, &c. Passed on in Council with Amendment. And

Sent down for Concurrence. Read and Concurr'd. Sent up.

A Petition Signed *John Doan*, *Israel Bacon*, Agents for the *Hamlet of Billingate* in the Township of *Eastham*, &c. praying that they may be made a Lawful Precinct from *Truro-Line* to *Indian-brook*, and enjoy the Privileges of others Precincts, or that a Committee may be appointed to view the same. Read, And

Ordered, That the Prayer of the Petition be so far granted, as that the Petitioners have Liberty to bring in a Bill enabling them to appoint Assessors and Collectors to Assess and Collect the Rates in the *Hamlet* at *Billingate*.

Sent up for Concurrence.

A Motion being made that the Vote passed on the Accompt of *John Dyer*, Treasurer for the County of *Plymouth*, may be Re-considered.

And it passed in the Affirmative.

And then being Read over, was Allowed of.

Sent up for Concurrence.

John Turner Esq; brought down a Petition Signed *Nathanoel Hubbard*, with a Vote of Council thereon, viz. In Council *June* 16. 1722. A Hearing having been had Yesterday on this Petition before the whole Court. *Ordered*, That *Nathanael Hubbard* Esq; *Joseph Daman*, *Stephen Badlam*, *James Draper* & *Jeremiah Whiting* with their Families be dismissed from the Charge of the Annual Maintenance of the Ministry in *Dorchester* until this Court give further Order, and from no other Town Charge. Sent down for Concurrence.

Read and Concurred with Amendment (that the exemption of the five Persons affect their Poles only.) Sent up for Concurrence.

A Bill to Enable Edward Jackson *of* Newton, *&c.* Read a Third Time. And,

Resolved, That the Bill do pass to be Engrossed, with Amendment, viz. (*That the Administrator* Joseph Jackson *be inserted in the Bill, and that no strip or waste be made in the mean time.*) Sent up for Concurrence.

A Petition Signed *Dominicus Jordan*, in behalf of the Inhabitants of *Falmouth*, shewing that as they have a Minister Setled among them, and have begun a Meeting-House, but are not able to finish it by reason of their Poverty. Praying that this Honoured Court would allow them something towards finishing the same. because the Garrison have the benefit of the Ministry. Read, And

Resolved, That the Sum of *l.*40 be Allowed and Paid out of the Publick Treasury to Mr. *Dominicus Jordan*, to be by him delivered into the Hands of the Town Treasurer of the Town of *Falmouth* for finishing the Meeting House Erected in the said Town. Sent up for Concurrence.

And then the House Adjourned till Monday next Three a Clock Afternoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [31]

VOTES

Of the House of Representatives.

Lunæ 18 die Junii 1722.

Post Meridiem.

AN Engrossed Bill Intituled, *An Act for the further Establishing the Town of* Rutland, *and Impowering them to choose Officers, &c.* Read, And *Resolved*, That the Bill do pass to be Enacted. Sent up.

Penn Townsend and *Jonathan Dowse* Esq; brought down several Letters sent from the Eastward Parts, and a Vote of Council thereon, viz. *June* 18. 1722. His Excellency having just now received Advice of Damage done by the Eastern Indians,

Ordered, That *John Appleton*, *Thomas Fitch*, and *Adam Winthrop* Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to consider what is proper for this Court to Act thereon, the Committee to sit forthwith. Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred. And

Ordered, That Mr. *Cooke*, Mr. *Stoddard*, Mr. *Chandler*, Capt. *Came* and Mr. *Jordan* be a Committee of this House to join with them.

Voted, That the Indian Hostages now in the Goal at *Cambridge* be sent down to the Castle as soon as may be, in order to their being close confined and secured there. Sent up for Concurrence.

A Petition Signed *John Doan* and *Isaac Baker* Agents for *Billingate*, praying that they may be set off a distinct Precinct, and be impowered to Collect of the Proprietors what may be agreed on to the Settlement of a Minister, or that the Court would be pleased to Appoint a Committee to enquire into their Circumstances.

Read again, and referred to the Second Wednesday of the next Sessions, and that the Town of *Eastham* be served with a Copy thereof.

Sent up for Concurrence.

Voted, That Mr. *James Franklin*, now a Prisoner in the Stone Goal have the Liberty of the Prison House and Yard, upon his giving Security for his faithful abiding there. Sent up for Concurrence.

An Accompt Signed *Nicholas Boone* amounting to *l.*24 6*s.* 11*d.* for Printing the Votes of the House, &c. Read and Committed.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 19 die Junii 1722.

A Petition Signed *Isaac Coolidge* of *Sherburn*, and *Joseph Ephraim* of *Natick*, Brother to *Simon Ephraim* deceased, Praying that this Court would enable *Joseph Ephraim* to Sell a Dwelling House of his Brothers Deceased, unto Mr. *Isaac Coolidge*. Read and Dismist. [32]

A Muster-Roll of the Company under the Command of Lieut. *Joseph Heath* from *Decemb.* 20th. 1721. to the 1st of *May* last. Read and Committed.

A Petition Signed *Daniel Austin* of *Andover*, a Soldier under the Command of Capt. *Johnson Harman*, praying that as he paid *l.* 5 to be released he may not be deprived of his Wages for the time he served.

Ordered, That Mr. *Dudley*, Mr. *Cooke*, Mr. *Chambers*, Mr. *Remington* and Mr. *Wainwright*, be a Committee of this House to hear and examine such, and any other Complaints being made on behalf of the Soldiers against their Officers in the Eastern Parts, in the recess of the Court. And if the Committee have any occasion to examine the Officers complained against, they are directed to desire his Excellency to send for them.

A Petition Signed *Daniel Mackoone* of *Cambridge*, praying that as he was formerly Wounded in the *Canada* Expedition, is now rendred uncapable of getting his Living, he may be Allowed some small Yearly Pension for it.

Read and Committed.

According to the Order of the Day, the *Dorchester* Petitioners were Admitted into the House, to shew forth their Power, which they produced, and withdrew.

The House proceeded to consider the Petition of *John Billings*, *Isaac Royal*, and *Ralph Pope* the Petitioners. And the Question was put,

Whether the Petitioners appear Right before this House?

It pass'd in the Negative.

Then the Question was put, *Whether this House concur with the Order of the Board upon their Petition?* And, It passed in the Negative.

John Appleton from the Committee of both Houses Reported, That 100 Men be forthwith Raised and sent to cover and strengthen the Eastern Settlements, That His Excellency be desired to Order out of the Province of *New-Hampshire* a Quota of Men in proportion to 300 out to this Province. That His Excellency be desired to advise and direct the Inhabitants of the Frontier Towns most exposed. That one or more Houses in each Town conveniently Scituate for the People to retire to in case of danger, be by them put into a Posture of Defence, and that they may have the assistance of the Officers and Soldiers therein.

John Appleton.

In Council, *June* 19. 1722. Read and Accepted.
Sent down for Concurrence. Read and Concurr'd.

Post Meridiem.

A Bill for Granting to His Majesty several Rates and Duties of Impost and Tonnage of Shipping. Read a Third Time. And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

An Engrossed Bill Entituled, *An Act to Enable* Thomas Smith *of Ipswich in the County of Essex, Innholder, to bring forward an Action, &c.* Read, And

Resolved, That the Bill do pass to be Enacted. [33]

An Engrossed Bill Entituled, *An Act to Enable* Edward Jackson *of* Newton, *to File Reasons of Appeal*, &c. Read, And

Resolved, That the Bill do pass to be Enacted.

An Accompt Signed *Daniel Powning* amounting to *l.* 117 11*s.* 10*d.* for Charges in looking after the Powder-House, the Ballance of which is *l.*17 14*s.* 3*d.* due to him. Read, And

Resolved, That the Sum of *l.*17 14*s.* 3*d.* be Allowed and Paid out of the Publick Treasury to Mr. *Daniel Powning* in full Discharge of his said Accompt to the 31st of *May* past. Sent up for Concurrence.

Nathanael Norden. Esq; brought down a Petition Signed *Simon Davis* and *David Whitaker* of *Concord*, praying that this Court would pass an Order for dividing of Lands belonging to the Estate of *Nehemiah Hunt* deceased, for Reasons therein. Passed on in Council, *June* 16. 1722. Read, And

Ordered, That the Judge of Probate for the County of *Middlesex* be impowered and directed to appoint a Committee of five Freeholders to make a just and equal Division of the Land mentioned in the Petition and return the same unto the said Judge of Probate, who shall allow of such Division, and accordingly assign the Petitioner his part and share therein. Provided all Parties concerned have due notice, and the Minor have first chosen his Guardian.

Sent down for Concurrence. *J. Willard*, Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 20 die Junii 1722.

A Memorial of the Overseers of *Harvard* College, sent down the 13th Instant now Read again and the Order of Council thereon.

Sent down for Concurrence. Read and Concurred. And

Voted, That Mr. Speaker, Mr. *Cooke*, Mr. *Stoddard*, Mr. *Quincey* and Mr. *Wainwright* be added to the Committee.

According to the Order of the Day. The Petition Signed *Seth Pope*, *Samuel Willis* and *Samuel Pope* presented the 6th Instant, was again Read, and the answer of the Freeholders of the Town of *Dartmouth* to the same. Read and,

Resolved, That the Sum of *l.* 100 be allowed and paid out of the Publick Treasury to Mr. *Samuel Hunt* Minister of the Town of *Dartmouth*, for his Support in the Ministry the Year Currant, beginning the 1st of *June* Instant, pursuant to an Act made in the Second Year of his Majesty's Reign, intituled, *An Act for Maintaining and Propagating Religion.* Sent up for Concurrence.

An Accompt Signed *Ezra Cottle* amounting to *l.* 1 15 *s.* for coming Express from *Newbury.* Read and

Resolved, That the Sum of *l.* 1 15 *s.* be allowed and paid out of the Publick Treasury to *Ezra Cottle* in full discharge of said Accompt.

Sent up for Concurrence. [34]

Jonathan Dowse Esq; brought down a Vote of this House for Removing the Indian Hostages to the Castle, passed on in Council, *viz.* Read and Concurred with Amendment, and that His Excellency be desired to give directions accordingly. Sent down for Concurrence, Read and Concurred.

Whereas the Courts of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of *Essex*, appointed by Law to be held at *Salem* in said County upon the last Tuesday of *June* Currant, and several of the Justices of said Court, &c. concerned, are Members of this Court.

Ordered, That in consideration of the present sitting of the General Court, The Justices of said Courts are directed to Adjourn the said Courts to the Third Tuesday in *July* next: any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence,

A Bill in Addition to and for rendring more effectual an Act made in the Tenth Year of King William, *Entituled an Act for preventing of Trespasses.*

Read Three Times in Council and passed to be Engrossed. Read a First Time.

Post Meridiem.

An Accompt Signed *Bartholomew Green* amounting to *l.* 35 16 *s.* 4 *d.* for Paper and Printing for the Council the Year past. Read and Committed.

A Bill Entituled an Act for apportioning and assessing the several Towns in this Province to the Sum of l. 6000 *upon Poles and Estates.* Read a Second Time.

Resolved, That the Sum of *l.* 6000 shall be Levied upon Poles and Estates this Year, which with *l.* 10000 by the Duties of Impost and Tonnage of Shipping and Excise, together with the income of the Bills Let out, and the Light-House, will make up the Sum of *l.* 16000 pursuant to the Funds and Grants made in the Years 1715. 1717. 1718.

And then the House Adjourned till to Morrow Morning Nine a Clock.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [35]

VOTES

Of the House of Representatives.

Jovis 21 die Junii 1722.

VOted, That there be an Able, Learned, Orthodox Minister, of good Conversation, sent to the Town of *Tiverton*, pursuant to an Act made in the Second Year of the Reign of His present Majesty, Entituled, *An Act for Maintaining and Propagating Religion.* And that *Edward Bromfield* Esq; the Reverend Messieurs *Benjamin Wadsworth*, *Benjamin Colman* and *Joseph Sewall* be appointed to look out and recommend such an One for the said Town.

Sent up for Concurrence.

Post Meridiem.

Whereas by reason of the Small-Pox being in the Town of Boston, *and several other Towns the Summer past, several of the Students of* Harvard-College *were Absent a great part of the Year past: And upon its approach into the Town of* Cambridge *in* November *last, that Society was broken up for some time; And being not long since got together, and the Commencement being near at hand,*

Voted, That the Gentlemen of that Corporation be advised, that the Vacation usually allowed; And given to the Students after Commencement, which was usually 4 or 5 Weeks, do not now exceed One Week, that the Students may in some measure regain their lost time, by reason of their long Absence occasioned as aforesaid. That the Fellows, Tutors and Students be not allowed to be absent more than a Week from the Commencement. And then put into Commons again, and follow their usual Studies and Recitations.

Sent up for Concurrence.

Mr. *James Cushing* from the Committee Reported, *June 20th.* 1722. Pursuant to a Vote of this House upon the 14th Currant. Accordingly, we have been to *Milton*, and viewed the Place that the former Committee, stated for the Erecting a Meeting House in said Town, and also at the Request of the Inhabitants, went and viewed the most part of said Town, where the Inhabitants dwell. And in our humble Opinion, the most convenient Place for the Erecting a Meeting-House in said Town, nearest to the Place the former Committee stated, is about 25 Rod Easterly of said Place, on the other side of the way, in Ensign *Swift's* Land, said *Swift* offering an Accommodation of Land to the Town, at a reasonable rate, to Erect said House upon, and Accommodations for the same, to the Quantity of half an Acre of Land, or thereabouts, being 13 Rod long upon the Front

at said way, and 6 Rod wide beginning at the North-East Corner of said Land, and so extending Westward 13 Rods by said way.

James Cushing,
By Order, and in the Behalf of the Committee:

Read, Accepted. And Sent up for Concurrence.

A Bill Entituled, *An Act in Addition to an Act for the more easy Levying and Regulating Soldiers.* Read a first Time.

Mr. *Cooke* from the Committee Reported on the following Accompts, *viz.*

On the Accompt of *Nicholas Boone*, dated *March* 27. 1722. That the Committee have Examined the same, and find it just and right,

That therefore the Sum of *l.*24 6*s* 4*d.* be Allowed and Paid out of the Publick Treasury to the Accomptant *Nicholas Boone* in full Discharge of said Accompt.

Read, Accepted, And Sent up for Concurrence.

On the Accompt of *William Dyer* of *Winter-Harbour.*

The Committee have Examined said Accompt, and Capt. *Gray* certified that he knew the Work was done by Mr. *Dyer* who lodged with him the Particulars, amounting to *l.*2 6*s.* 6*d.* at the usual Price. They are therefore of Opinion, That [36] the Sum of *l.*2 6*s.* 6*d.* be Allowed and Paid out of the Publick Treasury to the Accomptant in full Discharge of said Accompt. Read, Accepted.

And Sent up for Concurrence.

On the Accompt of *John Mariner* for Sloop-hire, &c. Reported,

That they have Examined the same, find it right cast and well vouched, That therefore the Sum of *l.*24 be Allowed and Paid out of the Publick Treasury to the Accomptant in full Discharge thereof. Read, Accepted,

And Sent up for Concurrence.

On the Accompt of *Samuel Gookin* Sheriff, for Repair of the Prison in *Cambridge*, Reported, The Committee find it just and right, That therefore the Sum of *l.*7 16*s.* 11*d.* being one half of the said Sum, be Allowed and Paid out of the Publick Treasury to Mr. *Samuel Gookin* Sheriff, (the other half being to be Paid by the County of *Middlesex.*) Read, Accepted,

And Sent up for Concurrence.

On said *Samuel Gookin*'s Accompt of Expence on the Hostages, amounting to *l.*6 12*s.* 7*d.*

The Committee have Examined the same, and find it right cast and well vouched. That therefore the Sum of *l.*6 12*s.* 7*d.* be Allowed and Paid out of the Publick Treasury to *S. Gookin* Sheriff, in full Discharge of said Accompt.

Read, Accepted, And Sent up for Concurrence.

On the said *Samuel Gookin*'s Accompt of Expence on Monsieur *Casteen.*

The Committee have Examined the Accompt, and find it right cast and well vouched. And that therefore the Sum of *l.*28 1*s.* 8*d.* be Allowed and Paid out

of the Publick Treasury to *Samuel Gookin* Sheriff, in full Discharge of this Accompt. Read, Accepted, And Sent up for Concurrence.

On the Muster-Roll of Capt. *John Gray* for *Fort Mary*, to 28th. *March* last past.

That they have Examined the Roll and find it right cast, Capt. *John Gray* making Oath that the several Persons have done Duty the time that they are set down, and not one of the Inhabitants of those Parts,

That therefore the Sum of *l.*13 19*s.* 5*d.* be Allowed and Paid out of the Publick Treasury to Discharge the Wages due to the Officers and Soldiers therein inserted. Read, Accepted, And Sent up for Concurrence.

On the Muster-Roll of Lieut. *Joseph Heath* to *May* 1st. 1722. Reported,

That they have Examined the Muster-Roll, and find it right cast, Lieut. *Heath* making Oath that the several Persons entred therein, served the time that they were put down for, and are not of the Inhabitants of those Parts,

That therefore the Sum of *l.*233 4*s.* 3*d.* be Allowed and paid out of the Publick Treasury to Discharge the Wages due to the Officers and Soldiers therein inserted.

Read, Accepted, And Sent up for Concurrence.

A Message from the Honourable Board, *viz.* In Council *June* 21. 1722.

Voted, That a Message be sent down to the Honourable House of Representatives to propose that they would joyn with the Board in the Choice of Two Councellors to fill up the Vacancy. Read.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 22 die Junii 1722.

A Petition Signed *John Wadden* of *Salem*, praying that 150 Acres of Land described in the Plat herewith presented, may be confirmed to him according to a Grant made to his Father. Read and

Resolved, That the said 150 Acres of Land laid out to him on *Merrimack-River* be confirmed to him, &c. Sent up for Concurrence.

Mr. *Samuel Little*, presented a Letter Signed by the Select Men of *Little-Compton*, to inform the House that the Land Petitioned for Sale by *William Dye* of *Little-Compton* came to him by his Wife, &c.

The House taking the same into Consideration, Voted, that the Petition of *William Dye* be reconsidered.

Whereas this Government is fully informed that the Eastern Indians have committed many Acts of Hostility on our Frontiers, by burning of Houses, Killing of Cattle and taking of People Captive. [37]

Resolved, That Mr. *Cooke*, Mr. *Stoddard*, Mr. *Came*, Mr. *Chandler* and Mr. *Ward* be a Committee of this House to join with such as the Honourable Board shall appoint, forthwith to meet and consider what is proper to be done in this Affair. Sent up for Concurrence.

A Petition Signed *Thomas Gilbert*, *Joseph Banister* and *Samuel Barnes* Select-Men of *Brookfield*, Praying that the Lands of the Non-resident Proprietors whose Owners refuse to pay the Sum assessed on them, may be subject to an Execution, &c. Read and

Ordered, That the prayer of the Petition be granted, and that the Petitioners have Liberty to bring in a Bill accordingly.

Sent up for Concurrence.

A Petition Signed Lieut. *John Goddard*, praying that as his pay was stopt for keeping the dues of Molasses from the Soldiers under him, and he had not an opportunity to prove his Innocency, &c. his Wages may be ordered to him out of the Publick Treasury, and that he may be freed from his Charge of the Hearing.

Read and Dismist.

A Bill Intituled an Act in Addition to an Act for the more easy Levying and Regulating of Soldiers, &c. Read a Second time.

A Petition Signed *Constant Church* of *Freetown* in the County of *Bristol*, praying that by a Private Act, he may have Liberty to try a Cause against *Charles Church* of said Place, &c. passed on in Council, *viz.*

Ordered, That the Adverse Party be served with a Copy of this Petition, that he may make answer thereto (if he see cause) upon Friday the 29th Instant.

Sent down for Concurrence, Read and Concurred.

A Bill Intituled an Act for encouraging the Linnen Manufacture and making Canvas or Duck, proper for Ship Sails. Passed on in Council to be Engrossed.

And Sent down for Concurrence. Read a First Time.

Mr. *Cooke* from the Committee of both Houses, Reported to the House, *viz.*

There having been an Information given to the Court (besides other Hostilities) of a violent Assault lately made by Six of the Eastern Indians on two Men in a Fishing Boat belonging to *Ipswich*, wherein the said Indians were repulsed with Loss; from whence there is reason to suspect that the Eastern Indians will take the first opportunity of falling upon and destroying some of our out Settlements. It seems highly necessary that the Places most exposed should have notice thereof. It is therefore humbled proposed that dispatches be forthwith sent to the several Towns to the Eastward of *Merrimack-River*, that they may be warned of their danger, and stand upon their Defence; and that His Excellency be desired to give His directions to the several Officers of the Eastern Forces, forthwith to repair to their Respective Posts. Read, Accepted.

And sent up for Concurrence.

Post Meridiem.

A Petition Signed *John Smith* and 14 others Proprietors of *North-Yarmouth* in *Casco-Bay*, praying that their ancient Rights in said Land may be confirmed to

them, and that there may be a Committee appointed by the Honourable House to Regulate the Affairs of the said Town, &c. Read and Committed.

A Petition Signed *Remembrance Dye*, praying that her Father *William Dye* may not be impowered to sell any of the Lands that belong to her Children, because the Interest of them will maintain him. Then the Petition of the said *William Dye* was again Read, and Dismist.

Edward Bromfield Esq; brought down a Petition to His Excellency and Council Signed *Gershom Woodel*, praying that they would be pleased not to Concur with the House in laying on their Town of *Tiverton l.* 72 11 *s.* for the Maintenance of a Minister for reasons therein given. Read and referred for further Consideration till to morrow morning.

A Petition Signed *Andrew Greely* of *Salisbury*, presented in *March* Sessions and Passed upon by the House was again Read. And,

Ordered, That the Court of General Session of the Peace for the County of *Essex*, be directed to proceed to the Tryal of *Nathanael Longfellow*, according to the Prayer of the Petition. Sent up for Concurrence. [38]

A Petition Signed *Andrew Greely* and *Henry Ambross* presented in the *March* Sessions, and passed upon by the House, *viz.* that the Sum of *l.* 20 be paid to them in Answer to their Petition. And Sent up for Concurrence.

But Referred to the next Session for want of Proof.

Read again, and further Proof being produced, *Resolved*, That the Sum of *l.* 20 be allowed and paid out of the Publick Treasury to *Andrew Greely* and *Henry Ambross l.* 10 to each of them, in answer to their Petition.

Sent up for Concurrence.

A Bill in Addition to and for rendring more effectual An Act made in the 10*th Year of King* William, *Intituled an Act for preventing of Trespasses.*

Read a Second Time.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 23 die Junii 1722.

A *Bill for incouraging Linnen Manufactures.* Read a Second Time.

According to the order of the Day, the Petition of Mr. *Gershom Woodel* to His Excellency and Council was again Read and Debated upon, to which after he had made some defence, he was ordered to withdraw. Then the Question was put, Whether the Petition of Mr. *Gershom Woodel* a Member of this House, does not contain false and reflecting Expressions upon the House. And

It passed in the Affirmative.

Then a further Question was put, *Whether Mr.* Gershom Woodell *be Expelled this House, as not being worthy to continue a Member of it?* And

It pass'd in the Affirmative.

Edward Bromfield Esq; brought down a Letter Signed *Samuel Moody* giving His Excellency an Accompt how he had posted the Forces under his Command since the Indians had Committed their Hostilities. Read, and sent up.

Also the Accompt of *Nicholas Boone* passed with Amendment, *viz.* that *Fifteen Shillings* be taken off the last article of Horse hire.

Sent down for Concurrence. Read and Concurred.

A Bill Intituled an Act to Enable the Overseers of the Towns and Select-Men to take care of disorderly Persons. Read a First Time.

An Engrossed Bill Intituled an Act for granting to His Majesty several Rates and Duties of Impost and Tonnage of Shipping. Read and

Resolved, That the Bill do pass to be Enacted. Sent up for Concurrence.

A Petition Signed *John Nelson* setting forth how he had his House burnt at the Eastward, &c. Praying that the Inhabitants there may be secured and Defended. Read and Committed to the Committee of both Houses.

A Bill in Addition to an Act passed in the Fifth Year of King William *and Queen* Mary, *Intituled an Act for Regulating of Fences, Cattle, &c.*

Read a First Time.

A Muster-Roll of Col. *Edmund Goff's* amounting to *l.* 204 8*s.* 4*d* for Wages from *February* 28. to *April* 19. Read and Committed.

Mr. *Cooke* from the Committee on the Muster-Roll of Capt. *Wainwright*, Reported, That seeing what steps were taken by the Committee at the last Sessions, They are of Opinion, That the Sum of *l.*307 3*s.* 11*d.* be allowed and paid out of the Publick Treasury to Discharge the Wages due to the Officers and Soldiers as within expressed, (save that what Money is due from any of the Men to the Capt. and Commissary be first deducted, that being made to Appear in 20 Days from the Date hereof.) Read, Accepted,

And Sent up for Concurrence.

Then the House Adjourned to Monday next Three a Clock Afternoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [39]

VOTES

Of the House of Representatives.

Lunæ 25 die Junii 1722.

Post Meridiem.

A *Bill for Reviving and further continuing several Acts that are near Expiring?* Read a First Time.

A Bill in further Addition to, and Explanation of An Act passed in the Seventh and Eighth Years of King George, Intituled, *An Act for the better Regulating of Swine.* Read a Second Time.

A Bill in Addition to An Act to prevent Default of Appearance of Representatives to serve in the General Assembly, Made and Passed at a Session in November, 1693. Read a First Time.

A Bill to Enable the Overseers of the Poor, And Select Men to take care of Idle and Disorderly Persons. Read a First Time.

A Bill in Addition to an Act for appointing Commissioners of Sewers, Made in the First Year of the Reign of Queen Anne. Read a First Time.

Voted, That the Petition Signed *Henry Gibbs* and *John Cotton* presented to the House the 12th Instant, and Dismist, may be re-considered,

The said Petition was accordingly Read, And Sent up.

A Bill in Addition to an Act Intituled, *An Act passed in the Fifth Year of the Reign of King William and Queen Mary*, Intituled, *An Act for Regulating Fences, Cattle, &c.* Read a Second Time.

And the Question being put, *Whether it should have a Third Reading?* It pass'd in the Negative.

A Bill in Addition to the several Acts for Settlement and Support of Schools and School-Masters. Read a First Time.

Nathanael Norden Esq; brought down a Muster-Roll for the Company under the Command of Capt. *John Wainwright*, passed on, and Sent up for Concurrence. Passed on in Council with Amendment, and Sent down for Concurrence. Read and Concurred.

A Petition Signed *Joseph Marble, Abraham Holman, John Marble, Timothy Johnson, Edward, Fuller, John Juell* and *Edmund Brown*, Inhabitants of the Town of *Sudbury*, Praying that they may be Discharged from paying to the Ministry of *Sudbury*, and pay to the Ministry of *Stow*. Passed on in Council *June* 25th. 1722. *viz. Ordered*, That the Town of *Sudbury* be served with a Copy of this Petition, that so they may give Answer thereto, (if they see cause) on the 2*d.* Wednesday of the next Sessions. Sent down for Concurrence.

Read and Concurred. [40]

A Motion being made by several Members of the House, That there might be a New Impression of the Laws of this Province.

Resolved, That the several Towns of this Province be supplyed with the Acts that have passed since the Year 1714. at the Charge of the Province.

Sent up for Concurrence.

Penn Townsend Esq; brought down a Bill, Intituled, *An Act for Encouragement of the Fishery, and to prevent the Deserting of such as are Employed in Fishing Voyages.* Read Three Times in Council, Passed to be Engrossed.

And Sent down for Concurrence. Read a First Time.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 26 die Junii 1722.

A Petition Signed *John Wainwright*, *Thomas Bordman*, *George Hart*, Trustees for the School of *Ipswich*, Praying that they may be Enabled by an Act to Prosecute an Appeal against *Sarah Coggswell* of *Ipswich*, &c. Read, and

Resolved, That the Prayer of the Petition be granted, and that the Petitioners have Liberty to bring in a Bill accordingly.

Sent up for Concurrence.

A Petition Signed *John Wainwright*, in the Name of the Trustees for the use of the School of *Ipswich*, Praying that as *Sarah Cogswell* hired a Farm belonging to the School of *Ipswich* to defeat the Trustees, they may be impowered to proceed to a Tryal of the Merit of the Cause, at the next Inferiour Court of Common Pleas to be holden for the County of *Essex*. Read, And

Ordered, That the Prayer of the Petition be Granted.

Sent up for Concurrence.

Samuel Thaxter Esq; brought down a Petition Signed *Henry Gibbs*, *John Cotton*, &c. Passed on in Council, *viz.* Read and Ordered, That the Judge of Probate for the County of *Suffolk*, be impowered and directed to Appoint a Committee of Five Freeholders to make a just and legal Division of the Houses and Land mentioned in the Petition, and return the same upon Oath unto the said Judge of Probate, who shall allow of such Division, and accordingly assign the Petitioners their respective Parts and Shares therein, Provided the Administrators to the Estate of the Reverend Mr. *George Curwin* Deceased, and all other Persons concerned be duly notified before such Division be made.

Sent down for Concurrence. Read and Concurr'd.

A Bill for Encouraging the Linnen Manufacture. Read a Third Time,

And *Resolved*, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

A Bill in Addition to an Act directing the Admission of Town Inhabitants, made and passed in the Thirteenth Year of His late Majesty King William the Third.

Read Three Times, And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence. [41]

A Bill in Addition to, and for rendring more effectual, An Act made in the Fifth Year of His late Majesty King *William* the Third, Intituled, *An Act for preventing of Trespasses.* Read a Third Time. And Non-concurred.

A Bill to prevent the Default of appearance of Representatives to serve in the General Assembly, &c. Read a 2d Time.

A Bill Intituled, *An Act in Addition to an Act for the more easy Levying and Regulating Soldiers.* Read a 3d Time.

Mr. *Cooke* from the Committee on Capt. *Wainwright's* Muster-Roll from *August* 25. to *Decemb.* 4. Reported, That having Examined the same, and observed what Proof was offered to the Committee at the *March* Sessions, are humbly of Opinion, That the Sum of *l.*403 18*s.* be allowed and paid out of the Publick Treasury to pay and discharge the Wages due to the Officers and Soldiers as inserted in the Roll (save what Sums may be due to Capt. *Wainwright*, deceased, or the Commissary, be first deducted from the Persons indebted, and made to appear to be due within 60 Days, from the Date hereof.) Read, Accepted,

And Sent up for Concurrence.

An Act for reviving and further continuing several Acts that are Expired or near Expiring. Read a 2d Time.

An Act to Enable the Select Men, &c. *to take care of Idle and disorderly Persons, &c.* Read a 3d Time. And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

Resolved, That this House proceed to the Choice of a Treasurer, Commissioner of Impost, Attorney General, and Publick Notaries on the 27th Instant.

A Memorial Signed by His Honour the Lieut. Governour, and Commander of *Castle-William*, shewing the defect of the Castle Boat, and desiring a Committee may be appointed to go to the Castle and view the same, that it may be either repaired, or a New one Built. Read, And

Ordered, That Mr. *Chambers*, Mr. *Gorham*, and Mr. *Joseph White* be a Committee to view the same, and make their Report to the House.

A Petition Signed Lieut. *John Goddard*, praying that his Wages may be paid to him out of the Publick Treasury, &c. Read and Committed.

Jonathan Dowse Esq; brought down the Report of the Committee of both Houses appointed to consider the want of Small Money, *viz.* The Committee propose that there be printed on Parchment to the value of *l.* 500, of the following Dimensions, viz.

40,001 Penny Bills,	Value	*l.*166 13*s.* 1*d.*		
20,000 Two Penny Bills,		*l.*166 13*s.* 1*d.*		
13,333 Three Penny Bills.		*l.*166 13*s.* 1*d.*	*l.*500.	

That the said Bills be delivered to the Treasurer of the Province by him to be Exchanged for other Bills of this Province, to such Persons as come for the same, not less at a time then 20*s*. and that there be an Act passed for their being accepted by the Treasurer and Receiver General, subordinate to him in all Publick Payments as other Bills of this Province are, and that the *l*.500 Exchanged for those Bills be burnt. *Penn Townsend.*

In Council, Read and Accepted. Sent down for Concurrence.

Read and Concurr'd.

The Report of the Committee of both Houses to consider what is proper to be done on the Affairs of the Indians. Read. [42]

In the House of Representatives.

Whereas many Complaints have been made by sundry Soldiers in the Service of this Province in the Eastern Frontiers, That they have been kept out of their Wages notwithstanding the Muster-Rolls have been allowed, and paid by the Treasurer.

For Remedy whereof:

Resolved, That the Treasurer or Receiver General in some short time after the Muster-Rolls are passed for Payment, take effectual care, That what Sums are due to the Officers and Soldiers in the several Muster-Rolls, be paid to them respectively. And take their Receipts therefor on the back of the Roll.

Sent up for Concurrence.

Post Meridiem.

In Council, *June* 26. 1722.

Ordered, That the several Resolves passed by this Court in Explanation of the Laws of this Province that are not yet Printed, be Printed with the Acts to be passed this Sessions, and that upon a New Impression of the Laws, they be Printed at the end of the several Laws they refer to.

Sent down for Concurrence. Read and Concurred.

A Petition Signed *Luke Hitchcock*, praying that as there are some Lands lying between *Brookfield*, *Brimfield*, and the Equivalent Lands belonging to the Province, altogether insufficient for a Township, he may have Liberty to buy 300 Acres of it, to be laid out to him near to *Chikkuppee River*, &c. Read, And

Ordered, That whereas there are Two Tracts of Land belonging to this Province bounded Southerly or *Chikkuppee-River*, and partly on 10,000 Acres of Equivalent Lands North, partly on said Equivalent Lands, and partly on Province Lands. That Mr. *Stoddard*, Mr. *Chandler*, and Mr. *Ward*, be a Committee to survey the said Lands, and return a Plat thereof with the Quality of the Land to this Court at their next Sessions. Sent up for Concurrence.

A Vote of Council Sent down the 21st Instant, proposing that the House would joyn with the Board in proceeding to the Choice of Two Councellors to fill up the Vacancy. Read again, And

Voted, That this House proceed to the choice of Two Councellors to Morrow Morning. Sent up for Concurrence.

A Bill Intituled, *An Act for Encouraging of the Fishery, and to prevent the Deserting of such as are employed in the Fishing Voyages.* Read a Second Time.

Isaac Winslow Esq; brought down a Vote of Council for Printing Small Bills, Concurred by this House and sent up. Further passed on in Council, *viz. Ordered*, That the Committee appointed to consider of a Remedy for the want of Small Money for Change be desired to take care of the Making and Imprinting the Small Bills agreeable to the Order of this Court. And that they prepare the Draught of a Bill accordingly. Sent down for Concurrence.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 27 die Junii 1722.

AN Accompt Signed *Joshua Pierce* amounting to 40*s*. for reducing a dislocation of *Joshua Tobies* Arm, in the Service of the Province at *George Town*.

Read and Committed.

In the House of Representatives.

Whereas it often happens that Sons or Servants under Age Impressed into His Majesty's Service Dye before the Wages for such Service is paid, by Means whereof the Parents or Masters of such Deceased Soldiers cannot (unless with great Difficulty) obtain the Wages due for such Deceased's Service. [43]

Resolved, That when and so often as any Son or Servant under Age having been Employed in His Majesty's Service shall decease before the Muster Roll is passed, or the Wages due for such Service be paid, That then and in such case a Certificate under the hand of the Colonel, or chief Officer of the Regiment where such Deceased Soldier was Impressed, setting forth whose Son or Servant such Deceased Soldier was, shall be sufficient to Oblige the Province Treasurer to pay unto such Parent or Master the Wages due for such Deceased s Service: Any Law, Usage or Custom to the contrary notwithstanding.

An Engrossed Bill for the Encouragement of the Linnen Manufacture.

Read 3 Times, And

Resolved, That the Bill do pass to be Enacted.

Elisha Cooke Esq; from the Committee on the Petition of *John Smith*, &c.

Reported, The Committee having had Consideration of the Petition of *John Smith*, &c. Proprietors of the Town of *North Yarmouth*, and the several Papers therewith Exhibited find that on the 26th of *July* 1684. *Thomas Danforth* Esq: President of the Province of *Main*, and by Order and Authority of the Colony of the *Massachusetts* who had purchased that Province of the Assigns of Sir *Fer-*

dinando Gorge did Give, Grant, Bargain, and Confirm unto Messieurs *Jeremiah Dummer*, *Waltar Gendall*, *John Royal* and *John York*, Trustees on the behalf and for the Sole Use and Benefit of the Inhabitants of the Town of *North Yarmouth* mentioned in said Petition. And that a Settlement was begun, but broke up by the Indian War. The Committee are therefore humbly of Opinion that Five suitable Persons be appointed and constituted Trustees in the room and stead of *Jeremiah Dummer* and others first mentioned to carry on and perfect the Settlement of that Township according to such Rules and Methods as was then proposed, having special Regard to the Original Proprietors and Settlers; and that the Number at present be sixty at least, and that the Town Book now in the Hands of Capt. *Samuel Phipps* of *Charlstown* be put into the Hands of this Committee, a fair Copy of all to be drawn out and sent to *North-Yarmouth*, (the Original to remain in *Boston*) for the present,) under the Custody of a Clerk to be appointed for that purpose, that Attested Copy's may be given to such as want them. The Charge of this Committee to be born by the Proprietors and Inhabitants of said Town. *Elisha Cooke*, per Order of the Committee.

Voted, That the Hon. *William Tayler* Esq; *Elisha Cooke* Esq; *William Dudley* Esq; Mr. *John Powell* and Mr. *John Smith* be the Committee.

Sent up for Concurrence.

In the House of Representatives, *June* 27. 1722.

Resolved, That in the Form of the Warrant for Collecting and gathering in Town Rates or Assessments there shall be inserted immediately after the direction to deliver and pay in the Sum and Sums so Collected unto *A.B.* Treasurer of the said Town, these words, (*or his Successor or Successors in said Office*,) Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Bill in Addition to an Act for appointing Commissioners of Sewers, made in the 1st Year of the Reign of Queen Anne. Read a 2d time.

A Petition Signed by *Orlando Baily* and 8 others Proprietors of the Common Land in *Almsbury*, &c. praying that they may be Enabled by an Act of this Court, &c. which was passed in Council, *viz.* Read and Ordered, That the Clerk of the Inferiour Court of Common Pleas for the County of *Essex* be impowered to make out a Certificate upon the back of the Original Reasons of Appeal, with the Case of the Petitioners. And that the Justices of the Superiour Court of Judicature be impowered and directed to allow of such Certificates, and accordingly proceed to hear and try said Appeal thereupon, at the next Superiour Court to be holden for said County of *Essex:* Any Law, Usage or Custom to the contrary notwithstanding.

And the Clerk of the Superiour Court is hereby directed to deliver to the Proprietors or their Order the Original Reasons to carry with him to the said next Superiour Court in the County of *Essex* the Copy of the Case, the Proprietors

of *Almsbury* to notify the Adverse Party of this Order by leaving a Copy thereof with them 14 days at least before the said Courts sitting.

Sent down for Concurrence. Read and Concurred. [44]

A Petition Signed *John Usher*, praying some Allowance for the good Services he hath formerly done the Province, and release him the *l.*500 he hath taken on Interest, &c. Read.

A Message by *Thomas Hutchinson* Esq; that the Board are ready to proceed to the Choice of One Councellor for the late Colony of *Plymouth.*

Ordered, That Mr. *Dudley*, Mr. *Remington* and Mr. *Wainwright* be a Committee to carry up the Votes of this House, assist in sorting and numbring them, with the Votes of the Board, and Report the Choice made thereon.

The said Committee carry'd up the Votes for One Councellor for the late Colony of *Plymouth*, and Reported that *Nathaniel Paine* Esq; was chosen.

The said Committee carried up the Votes for One Councellor at large, and Reported that His Honour *William Dummer* Esq; was chosen.

The said Committee carried up the Votes for a Treasurer, and Reported that *Jeremiah Allen* Esq; was chosen.

The said Committee carried up the Votes for a Commissioner of Impost, and Reported that Mr. *Daniel Russel* was chosen.

The said Committee carried up the Votes for an Attorney General, and Reported, that Mr. *John Overin* was chosen.

The said Committee carried up the Votes for Publick Notaries separately, and Reported that the Persons following were chosen, *viz.* For

Boston, Mr. *Joseph Hiller*, and Mr. *Samuel Tyley.*
Salem, *Stephen Sewall* Esq;
Plymouth, Capt. *John Dyer.*
Newbury, Mr. *Stephen Jaques* Jun.
Bristol, Mr. *Ebenezer Brinton.*
Kittery, Mr. *William Pepperill.*

A Petition Signed *Christian Newton*, & *Margarett Blin*, praying that as they have fitted a Sloop to go in Search after their Husband and Children taken by the Indians, this Court would be pleased to lend them some of the Province Arms for their Defence. Read, And

Ordered, That the Prayer of the Petition be granted.

Sent up for Concurrence.

A Bill for Encouraging the Fishery, &c. Read a 3d Time.

A Message by *Thomas Fitch* Esq; That the Board are ready to attend the Hearing on *Phineas Parkers* Petition, &c.

Mr. *Speaker* and the House went up accordingly, and Returned. *Edmund Quincey* Esq; brought down the following Vote, *viz.* In Council June 27. 1722, *Ordered*, That the Hearing appointed to be had this Day on the Petition of *Phi-*

neas Parker, &c. Grantees of the South part of the Tract of Land Westward of *Groton* and contigious thereto, lately granted by the General Court, be referred to the Second Wednesday of the Sessions of this Court in Autumn next, and that the Proprietors of *Lancaster* be served with a Copy of this Order.

Sent down for Concurrence.

Read and Concurred, with Amendment, *viz.* That they be served with a Copy by the Petitioners. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722. [45]

VOTES

Of the House of Representatives.

Jovis 28 die Junii 1722.

AN Accompt Signed *Ebenezer Allen* Chirurgeon to the Forces amounting to *l.* 30 for Medicines and Attendance 30 Weeks at 40 *s.* per Week.

Read and Committed.

A Bill for reviving and further continuing several Acts Expired or near Expiring.

Read a Third Time. And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

A Bill in Addition to an Act for appointing Commissioners of Sewers.

Read Three Times and Referred to the Fall Sessions.

Mr. *Cooke* from the Committee on Lieut *Goddard's* Petition Reported, That Lieut. *Goddards* pay on his last Muster-Roll, be not further stopt on account of Molasses withheld from the Men, he having produced from under the Hands of several of them, that they have no demand on him on that account.

Elisha Cooke per Order of the Committee.

Read, Accepted. And Sent up for Concurrence.

On the Petition of *Daniel Maccoon* Reported, The Committee having considered the same, do not apprehend, the Wound he received was the occasion of his being enfebled, as he sets forth; they are therefore of opinion that the Petition be Dismist. Read and Accepted.

On the Muster-Roll of Col. *Edmund Goff* Reported, The Committee having examined the same, find it right cast, Serjeant *John Murfy* and *Thomas Richardson*, making Oath that the several Persons mentioned in the Roll, were in actual Service the time they are put upon the Roll, and not of the Inhabitants of those Parts; The Committee are therefore of Opinion that the Sum of *l.* 204 8*s.* 4*d.* be allowed and paid out of the Publick Treasury to discharge the Wages due to the Officers and Soldiers therein.

Read, Accepted. And Sent up for Concurrence.

A Bill for subjecting the Lands belonging to such of the Non-resident Proprietors of Brookfield, *as neglect or refuse to pay their Proportion to the Town Rates, by making the Lands liable to payment.* Read a First Time.

Thomas Hutchinson Esq; brought down a Bill directing the Admission of Town Inhabitants. Passed on in Council with Amendment and sent down for Concurrence. Read and Concurred.

A Bill for Apportioning and Assessing a Tax of l.6000 on Polls and Estates.
Read a Third Time. And
Resolved, That the Bill do pass to be Engrossed. Sent up for Concurrence.

Post Meridiem.

The Report of the Committee of both Houses appointed to consider what is proper to be done on the Affairs of the Indians read in Council, and Sent down, as follows, *viz.* [46]

In Obedience to the Order of this Court directing us to meet and consider what is proper to be done on the Affairs of the Indians,

The Committee humbly propose, as follows,

1. That His Excellency be desired to give direction to the Commanding Officer that a suitable Number of the Forces, not less than one Third be constantly employed to make discovery of the Indians, and to observe their Motions, to acquaint themselves with their fishing and carrying Places, to seize upon and take into Custody such of the Indians as they can meet with, to the Number they may understand the Indians have taken of ours, and that they consult and put in Execution the best Methods possible for seizing *Sebastian Rallie* the Jesuit. And that they send such as they take to *Boston*, by the first opportunity, and in case the said Indians make forcible Resistance, then to repel force by force, and that the said Marching Forces be obliged once a Month to make a return of their Proceedings to His Excellency the Governour.

2. That the Commissioners be appointed to deliver the present Ordered by this Court at their Sessions in *August* last, (with such further Addition as the Court shall think proper) to be made to the Five Nations, to renew the Ancient Amity between this Government and those Tribes. That the Commissary be particularly instructed to represent to the Chief of their Tribes how perfidiously many of His Majesty's Subjects have been treated by those Eastern Indians called *Abnequois*, in the repeated Tumults and Acts of Hostility by them committed contrary to their many solemn Covenants and Engagements: yet notwithstanding this Government hath hitherto continued to use all manner of Gentleness towards them, and have thought fit before they proceed to do Justice upon them, to represent those Abuses to the *Iroquois* who are the most considerable Tribes of the Natives, and who have a great Influence on the other Indians; and to desire and engage the continuance of their Friendship with us. That in case the said Indians should by repeated and insufferable Insults bring things to Extremity, the said *Iroquois* would join with us in reducing them to a good and peaceable behaviour for the future. And that His Excellency be desired to write to the Governour of *New-York*, to acquaint him with our purpose to make a Present to the Five Nations, and to desire him to give his Countenance thereto, and

his Directions for the Assembling their Chiefs at *Albany* as soon as their distance will allow.

3. That Ten Whale Boats with very good Oars be provided, and sent to the Forces, for Enabling them to manage a sufficient Scout.

4. That in case Tidings should Arrive of the Indians falling upon any of our Settlements and killing the People, we apprehend it necessary that 200 Men besides those already Voted or more, as the necessity of the Case may require, be Raised and added as soon as may be to the Forces, for effectually prosecuting the Indian Rebels.

5. That a Sloop be taken into the Province Pay for Transporting Men and Provisions from Place to Place as need requires.

John Appleton, by Order of the Committee.

In the House of Representatives, *June* 28*th*. 1722.

Read Paragraph by Paragraph, and all the Articles passed in the Negative, except the 4th. Article of adding 200 Men to the Forces if occasion required.

Sent up for Concurrence. [47]

Also a Second Report of the said Committee was Read in Council, and Sent down, and is as follows, *viz.*

In Answer to the Petition of *Christian Newton* & *Margaret Blin* referr'd to the Committee. The Committee humbly propose.

1. That Thirty Men under a proper Officer (whom His Excellency be desired to Commissionate) with Provisions, Arms and Ammunition be put on Board the Sloop offered by *Margaret Blin* the Petitioner, to repair as soon as may be to *Passamaquada*, and there to use their best Endeavours to recover from the *Indians* the Persons mentioned in the said Petition, to be taken by them with the Effects belonging to them or any of them, and in case of Refusal to deliver them, or that they can't find the Persons so unjustly and forcibly seiz'd upon, to make Reprisal of the like Number of Indians, if possible, in order to Exchange them for our People, if it may be, or if that can't be done, to bring the said Indians to *Boston*.

And when they have done what is to be performed at *Passamaquada*, to touch in their return at the several Places or Harbours on this side, where it is probable there may be any English Fishery or Vessels, and to give them Notice of the Fact committed at *Passamaquada*, and to warn them, and all such Vessels as they see Fishing on the Coast to be upon their Guard, and in case they hear of any other Persons at any other Place seiz'd upon by the Indians, to endeavour the recovery of them, or to make Reprisal in their stead.

And it is proposed that so far as the Sloop may be employed in going to *Passamaquada*, and in seeking the Recovery of said *Blin* and his Effects, and in her return in case she come directly back, the Sloop and the Sailors belonging to her

as to their Wages and Provisions be at the Charge of said *Blin*, but as to the Time spent in Notifying other Places, at the Charge of the Province.

2. The Committee further humbly propose, That for the Security of *Berwick*, *Kittery*, *York* and *Wells*, a Scout of Twenty Men be raised out of the said Towns, and kept Marching upon their Out-Skirts, to be under the Direction of Col. *John Wheelwright*, and that he be desired to Transmit to His Excellency an Account of their Proceedings as any thing remarkable shall occur, and that His Excellency be desired to issue out his Orders accordingly. *John Appleton.*

In Behalf of the Committee.

In Council, *June* 26. 1722. Read, And Sent down.

In the House of Representatives, *June* 28. 1722

Read, And the Second Article of Twenty Men to be raised, &c. only Accepted.

Sent up for Concurrence.

Mr. *Cooke* from the Committee on the Muster-Roll of *Castle William* Reported, That the Committee having Examined the some find it right cast, *William Barnsdale* the Gunner, making Oath that the several Persons inserted therein, [48] were in actual Service, and upon Duty, the time they are put down for. The Committee are further of Opinion that the Sum of *l.*162 16*s.* 11*d.* be Allowed and Paid out of the Publick Treasury to discharge the Wages due to the Officers and Soldiers mentioned in the said Roll. Read, And Accepted.

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 29 die Junii 1722.

AN Engrossed Bill Intituled, *An Act in Addition to An Act for Admission of Town Inhabitants.* Read, and

Resolved, That the Bill do pass to be Enacted.

Sent up for Concurrence.

Mr. *Dudley* from the Committee on *Housetonnock* Reported,

In Answer to the Petition of *Joseph Parsons* and One Hundred and Fifteen others, and in Answer to the Petition of *Thomas Nash* with Sixty others, praying for Grants of Two Tracts of Land on the River of *Housatonnock*, The Committee are of Opinion that Two Tracts of Land of the Contents of Seven Miles Square each, be Granted to such of the Petitioners and others as shall be admitted by the Committee hereafter named, and as shall bring forward a Settlement on said Lands within Four Year from the end of this present Sessions, the Two Tracts to be laid out by a skilful Surveyor and Chain-Men under Oath according to the Direction of said Committee, the first of them to be laid on the River *Housatonnock* adjoyning Southwardly on the Divisional Line between this Government

and *Connecticut;* the other adjoyning on the North of the first Tract. That *John Stoddard* Esq; *Henry Dwight* and *Luke Hitchcock* Esqrs; *John Ashley* and *Samuel Porter* Esqrs; any Three of them to be a Quorum, be a Committee to admit Inhabitants to Grant Lotts and manage all the Prudential Affairs of said Setlers till this Court shall give further Order. The said Committee are hereby directed to settle said Lands, in a compact, regular and defensible manner; they are further required to admit One hundred and twenty Inhabitants or Setlers into the two Townships (giving preference to such of the Petitioners as they judge most likely to bring forward a Settlement) allowing none of them more than Three Years from the Allotment of said Lands to bring forward a Settlement by Building a suitable House and Tilling such quantity of Land as the Committee shall Appoint in order to their being Entituled to their Grants. Reserving a convenient quantity of Land for the first Settled Minister, for the Ministry, and School. The Committee are further directed to demand and receive of each Grantee the Sum of *Thirty Shillings* for each Hundred Acres, and proportionably for any lesser quantities, out of which Money's they shall pay a reasonable Sum to the Indians for the purchasing their Right, together with the charge of laying out the two Townships and of the Committee in Setling them, the remainder to be improved in building of Meeting Houses in said Townships.

William Dudley, by Order of the Committee.

In the House of Representatives, *June* 29. 1722.

Read and Accepted. Sent up for Concurrence.

In the House of Representatives, *June* 29*th*. 1722.

Resolved, *That whereas the Act for Granting unto His Majesty several Duties and Rates of Impost and Tunnage of Shipping obliges the Importer of all Wines, Liquors, Goods, Wares and Merchandise, imported into any part of this Province, except as in said Act is excepted, to pay certain Rates and Duties of Impost: Notwithstanding which there are great Quantities of Liquors and Merchandise brought into the several Ports and Harbours within this Province, that pay no Duties, there being no Person Appointed and Commissioned to take care that the Act be complyed with, and receive such Duties.* [49]

Resolved, That the Commissioner of Impost Substitute and Appoint meet, suitable Persons Deputy Receivers in the following Ports and Harbours, that is to say, One in the Port or Harbour of *Kittery*, One in the Port or Harbour of *Plymouth*, One in the Port or Harbour of *Barnstable*, One in the Port or Harbour of *Edgartown*, One in the Port or Harbour of *Nantucket*, One in the Port or Harbour of *Newbury*, One in the Port or Harbour of *Swanzey*, requiring them to take special care that the Act be duly observed, and that they inform of all breaches of said Act. Sent up for Concurrence.

Voted, That Mr. *Tay*, Mr. *Remington*, and Mr. *Chambers* be a Committee to wait on His Excellency the Governour to acquaint Him with the choice of the

Two Councellors chosen the 27th Instant, for His Excellency's Approbation of the Persons therein named, to be given in writing under his Hand.

Jonathan Dowse Esq; brought down the following Vote of Council, *viz. Ordered*, That the Ship Flying-Horse *Peter Papillion* Commander, be continued in the Service of this Government for Thirty days longer from this Date, and that His Excellency the Governour be desired to order the said Ship out upon a Cruise accordingly. Sent down for Concurrence.

Read and Concurred with Amendment, viz. (*provided the Men be not compelled to remain on Board beyond the time agreed with them by the Government.*) Sent up for Concurrence.

A Petition Signed *Benjamin Willard*, &c. praying that they may be Licenced to hire the Indian Plantation at *Hasanamisco* for 999 Years. Read and Dismist.

An Act for Settlement and Support of Schools and School-Masters.

Read a 2d time. And referred to the next Sessions.

Samuel Sewall and *John Otis* Esqrs; brought down the Report of the Committee of both Houses appointed to consider the Memorial of the Overseers of *Harvard College*, viz.

The Committee having perused and considered the Charter granted to the said *College* by the General Court of the Colony of the *Massachusetts*, Anno 1650. which is their present Constitution, and also the Memorial aforesaid, came to the following Resolution, which being put in practice would answer the end of the Memorial, and be more beneficial to that Society than enlarging the Number of the Corporation, *viz.*

1. That it was the intent of the said College Charter that the Tutors of the College, or such as have the Instruction and Government of the Students there, should be Fellows and Members of the Corporation of the said College, (provided they exceed not Five in number.)

2. That none of the said Fellows be Overseers.

3. That the President and Fellows of the said College or the major part of them are not warranted by the said Charter of the College to fix or establish any Salary or Allowance without the consent and Approbation of the Overseers.

In the Name and by Order of the Committee,

Benjamin Lynde.

Read, Accepted, And *Resolved*, That the Corporation for the future practice accordingly. Sent up for Concurrence.

Mr. Secretary brought down the following Message.

In Council, June 29th. 1722.

Whereas it has been found by Experience, that Whaleboats have been of great benefit to the Service of the Eastern Parts.

Voted, That a Message be sent down to the Honourable House of Representatives, to desire, That they would re-consider that Article in the Committee's

Report, that relates to Whale-Boats, and that if the House thinks the Number to be too large, they would think of some less number. Read.

Reconsidered, And

Resolved, That there be Ten Whale-Boats accordingly provided by the Province. Sent up for Concurrence. [50]

An Accompt Signed *Stephen Harding*, amounting to *l.*4 4*s.* for carrying Soldiers over *Kennebunk River.* Read and Committed.

An Accompt Signed *Thomas Loring* amounting to *l.*1 8*s.* for billetting *John Mulfey* a Soldier, from *Decemb.* 28th. 1719. to *January* 26th. following.

Read and Committed.

Messieurs *Nathanael Knoulton* and *Timothy Harris* represented to the House, That there being a stop put to the Wages of *Philip Amy* a Soldier, under the command of Capt. *Johnson Harman* by the Captains returning him Run when he had a Furlow, &c.

Resolved, That the said *Philip Amy* have his Wages paid him out of the Publick Treasury till the time he receiv'd his Furlow from his Captain.

Sent up for Concurrence.

Post Meridiem.

A Bill in Addition to an Act to prevent Default of Appearance of Representatives to serve in the General Assembly. Read Three Times and Dismist.

A Bill for the better Regulating of Swine. Read a 3d Time.

And Referred to the next Sessions.

In Obedience to the Order of this Honourable House on Monday the Eighteenth Instant, we repaired to *Castle William*, and Acquainted the Lieut. Governour the Commanding Officer of that Garrison of the Vote of this House the 13th Instant, and the reason of our coming down, He replyed that he could not comply therewith unless we could procure the Governour's Order therefor.

Elisha Cooke

per Order of the Committee.

Voted, That Capt. *Chandler* go up to the Board, and desire that the Letter from Mr. *Jeremiah Dummer* to Mr. Secretary may be sent down.

In the House of Representatives.

Whereas the Act providing in case of Sickness made and passed in the Thirteenth Year of the Reign of King William the Third: The Justices as occasion required have issued out their Warrants for removing Persons infected with the Small Pox unto seperate Houses to prevent the spreading of such Infection. And of late a doubt hath arisen, Whether by the said Act the Justices were impowred so to do, it is expedient that the Law and the true intent and meaning thereof be made certain in that Article

by a Resolve of this Court. Having consideration also of the late Act in Addition to the aforesaid Act made in the Fourth Year of His present Majesty's Reign.

The Question was put, *Whether the Justices are impowered (with advice and direction of the Select Men of the several Towns) to remove Persons infected, to seperate Houses, to prevent the spreading of any Infection?*

It pass'd in the Affirmative. Sent up for Concurrence.

Jonathan Belcher Esq; brought down Mr. *Jeremiah Dummer*'s Letter to the Secretary, which was Read. And upon a Motion made by several Members,

The Question was put, *Whether said Letter should be printed?* And

It pass'd in the Negative.

Then it was proposed, That the House should now go upon the choosing of an Agent, and after a long Debate,

The Question was put, *Whether the House should go upon the Consideration of the Agency to Morrow.* And

It pass'd in the Affirmative.

Benjamin Lynde Esq; brought down an Accompt of sundry Expences on the Ship Flying Horse, amounting to *l.*419 1*s.* 10*d.* which was Read, And

Resolved, That the Sum of *l.*419 1*s.* 10*d.* be allowed and paid out of the Publick Treasury to Discharge the said Accompts; and that Mr. Treasurer *Allen* be added to the Committee, to take care that the Necessaries and Stores belonging to the Province may be returned or accompted for when the Ship is discharged.

Sent up for Concurrence. [51]

A Message by *William Tailer* and *Thomas Fitch* Esqrs; That the Board propose a Cask of Rum and Sugar may be given to the Men on Board the Flying-Horse for their Encouragement, because they have voluntarily inlisted in this Expedition.

Voted, That Forty Gallons of Rum, and Sugar proportionable, be given to the aforesaid Company. Sent up for Concurrence.

Isaac Winslow and *John Otis* Esqrs; brought down a Vote of Council, *viz.*

In Council, *June* 29. 1722.

Ordered, That an Officer with Two or Three Soldiers in the Service be sent forthwith to *Norridgewock* in the Name of this Government to demand the Liberty and Restitution of His Majesty's good Subjects lately surprized and carried away by the Indians.

That His Excellency the Governour be desired to send a proper Remonstrance to that Tribe of Indians upon their late Insults and Hostilities in *Kennebeck-River*, and at *Damaras-Cove*, demanding as well their Reasons, as a Satisfaction for the Injuries and Damages done by them. To observe to them that their Indians now with us were delivered as Hostages with their free consent, not only for the Payment of Two Hundred Beaver Skins, but also for the good Behaviour of the *Norridgewock* Tribe towards the English, That they have not paid the said

Bever Skins, much less have they behaved themselves well towards this Government. That though this Government ordered a March up to their Head Quarters last Winter yet no Violence or Damage was done to the Persons or Goods of the Indians, Whereas on the other side the Indians against all Justice, and in a barbarous manner have lately burnt and destroyed Houses, Mills, and a number of Cattle, with little or no Advantage to themselves, leaving the Carcasses of the Creatures to rot on the Ground; besides taking a great deal of Plunder. In case they do not return the Persons so taken by the Messengers, Then to propose their Appearing before Commissioners at Time and Place to be appointed by this Government, bringing with them the English People taken as aforesaid: Then and there to make or propose some suitable Satisfaction for the Damages done by them; which if refused, to assure them that this Government will take effectual Methods to compel them thereto: That a suitable Messenger be sent to the *Penobscot Tribe* to enquire whether they were any ways concern'd in or did assist the *Kennebeck Tribe* in their late Insults and Hostilities aforesaid?

Sent down for Concurrence. *J. Willard* Secr.

In the House of Representatives, *June* 29. 1722.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 30 die Junii 1722.

In the House of Representatives.

R*Esolved*, That the Treasurer be and hereby is Directed to Issue forth and Emitt the Sum of *Twelve Thousand Pounds* in Bills of Credit on this Province, *Seven Thousand Pounds* part thereof is to be deliver'd to him by the Committee appointed to make the Sum of *Twenty Thousand Pounds* by a Resolve of this Court this present Session, together with the Sum of *Five Thousand Pounds*, the residue thereof which is or will be brought into the Treasury by Taxes, Duties of Impost, Excise, and Interest of the Loans, for the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, to be used and disposed of as is hereby directed in manner following. *viz.* [52]

That the Sum of *Seven Thousand Pounds* part of the aforesaid *Twelve Thousand Pounds*, be and hereby is appropriated to and for the Supplying and Supporting and paying the Charge of *Castle-William*, and the other Forts and Garrisons within this Province, as also the Soldiers with the Officers Wages arising for their Service (provided the Muster-Rolls or any Accompts of Charge or Expence on the Castle, Forts and Garrsons shall not be paid until such Muster-Roll and Accompt of Charge or Expence hath been Examined and Allowed of by this Court (according to such Draughts as shall from time to time be made upon him by Warrant

under the Hand of the Governour with the Advice and Consent of the Council; And that the aforesaid *Seven Thousand Pounds* be drawn out of the Treasury for the Ends and Uses above appropriated only.

That the Sum of *Four Thousand Seven Hundred Pounds* part of the aforesaid *Twelve Thousand Pounds* be and hereby is Appropriated to and for Defraying the Charges of this Government already arisen, and for Payment of all Grants, Stipends, Salaries, Allowances, Bounties and Præmiums, made and to be made by this Court, the Draughts to be made upon the Treasurer for any part of the aforesaid Sum of *Four Thousand Seven Hundred Pounds* to be by Warrant as abovementioned, and that the aforesaid Sum of *Four Thousand & Seven Hundred Pounds* be drawn out of the Treasury for the Ends and Uses above Appropriated only.

And that the Sum of *Three Hundred Pounds* being the Residue and remaining part of the said Sum of *Twelve Thousand Pounds* be and hereby is Appropriated for the Payment of Expresses Dispatched in the Service of this Government, together with all other necessary unforeseen Charges arising in the Recess of this Court that demands prompt Payment, provided always that the several Draughts made upon the Treasurer as aforesaid do express and declare out of which Appropriated Sums the Money is to be paid.

And the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, and shall be so taken and accepted in all Publick Payments. And that the Duties of Impost and Excise shall be a Fund and Security for the re-payment and Drawing in the said Bills into the Treasury again, so far as that will reach.

And as a further Fund and Security for the same, it is further Resolved, That there be and hereby is Granted unto His most Excellent Majesty for the Ends and Uses aforesaid, and no other Ends and Uses whatsoever, a Tax of *Six Thousand Pounds* to be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules, and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May*, *One Thousand Seven Hundred & Thirty Four*, and paid into the Treasury on or before the last Day of *December* next after. And that the further Sum of *Six Thousand Pounds* being the remainder of the aforesaid *Twelve Thousand Pounds*, be Levied upon Polls and Estates both Real and Personal, within this Province, according to such Rules, and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May*, *One Thousand Seven Hundred & Thirty Five*, and paid into the Treasury on or before the Last Day of *December* next after. [53]

And whereas through the Scarcity of Bills of Credit, it may then be difficult

for Persons to Convert the produce of their Lands into Bills, and pay their Rates in them: It is further Ordered, That the Inhabitants of this Province shall have Liberty (if they see fit) to pay the several Sums that shall be on them respectively Assessed in the several Species hereafter mentioned at such moderate Rates and Prices as the Great and General Assembly shall set them at, *viz.* In good Barrel Beef and Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Beeswax, Pease, Butter in Firkins, Cheese, Hides, Tanned Leather, Dry Fish, Mackerell in Barrells, Oyl, Whalebone, Bayberry Wax, Tallow, Pitch, Tar and Turpentine, which Species shall be received by the Treasurer of the several Constables or Collectors, and by him disposed of to the best Advantage for the calling in of the said Bills into the Treasury again. And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident shall arise, that such Deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of Bills Emitted as aforesaid.

Sent up for Concurrence.

According to the Order of the Day, the House proceeded to the Consideration of the Agency and after a long debate upon it,

The Question was put, *Whether the Vote of the House of Representatives of the 23d of June* 1721 *did discharge* Jeremiah Dummer *Esq; from his Duty and Trust as Agent of this Province.* It passed in the Negative.

A Message by *Samuel Sewall* Esq; That the Board are displeased with some Words entred in the Petition Signed by Sundry Inhabitants of the County of Hampshire, and desire they may be erased before the Board proceed to pass upon the Petition.

A Petition Signed *Constant Church*, with a Vote of Council on it, viz. *June 30th* 1722. *Ordered*, That a Hearing be had on this Petition on the 1st Friday of the Fall Sessions (provided the Parties do not accommodate their differences in the mean time) and that the Petitioner Serve the Adverse Party with a Copy of this Order. Sent down for Concurrence. Read and Concurred.

Voted, That the Petition Signed *Stephen Baker* and 119 others, with the Petition Signed *Samuel Chapman* and 94 others relating to Lands on *Merrimack-River*, and the Report of the Committee on them be referred to the next Sessions of this Court.

Edward Bromfield Esq; brought down a Bill for Emitting *l.* 500 in small Bills. Passed on in Council to be Engrossed. Sent down for Concurrence.

Read a First Time.

Voted, That *Jonathan Remington* Esq; be directed to inform Mr. President *Leverett* of the Vote passed this Session, respecting the Vacation after Commencement.

Then the House Adjourned to Monday next Three a Clock Afternoon. [54]

Lunæ 2 die Julii 1722.

Post Meridiem.

AN Accompt Signed *John Chandler* amounting to *l.*20 2*s.* 7 *d.* for Charges in Prosecuting *John Blin*, and keeping Two Horses taken from him from *Sept.* 2. 1720. to *Novemb.* 1. following, &c. Read and Committed.

An Accompt Signed *John Chandler* Jun. and *John Pierpont* amounting to *l.*10 7*s.* for Expence and time in securing and Removing said *Blin* by Order of the Government. Read and Committed.

A Petition Signed *Humphry Chadbourn* Representative of *Berwick*, praying this Court would Grant to their Town a Barrel of good Gun-Powder with Ball and Flints proportionable for their Use, in case of an Assault from the Indians.

Read, And

Ordered, That the Prayer of the Petition be Granted, and that Capt. *Chadbourn* give a Receipt for it. Sent up for Concurrence.

*A Bill for Emitting the Sum of l.*500. Read a 2d. time.

A Petition Signed *Joses Bucknam* and *James Barrat* Committee for the North part of *Charles-Town*, presented *Sept.* last. And a Hearing appointed thereon the 2d Fryday of this Sessions, omitted. Was read again, and *Voted*, That the Hearing be referred to the Second Fryday of the next Sessions.

Sent up for Concurrence.

Voted, That the *l.*300 remaining part of the *l.*500 put into the Hands of *Wm. Pitkin* Esq; for Exchanging our torn and defaced Bills, be paid by him to *Luke Hitchcock* Esq; he giving a Receipt therefor, and returning the same into the Province Treasury. Sent up for Concurrence.

Voted, That Capt. *Chambers* and Mr. *Gorham* wait on His Excellency the Governour, and desire that if he has any News from Canada, he would communicate it to the House.

A Memorial and Accompt Signed *William Dummer*, *Edward Hutchinson* and *Joseph Wadsworth*, Committee for Securing the East and West Heads of Castle Island, praying that *l.*199 2*s.* 4*d* may be Ordered to Col. *Samuel Thaxter* for Sundrys he provided for Carriages. And that *l.*250 may be Ordered them for paying Labourers, and providing Materials for finishing the Work.

Read and Committed.

Voted, That *John Wainwright* Esq; go up to the Honourable Board, and enquire, Whether any thing lies before them relating to Capt. *Papillion* and his Company? Who returned, There was nothing lying before the Board.

In the House of Representatives.

This House being credibly informed that the Pirate which lately infested our Coast is now gone off, and not likely to be any further Trouble to us.

Therefore *Voted*, That it is not for His Majesty's Service to continue the Ship Flying-Horse in the Service of the Province any longer, and that His Excellency be desired to dismiss her accordingly. Sent up for Concurrence.

Voted, That the Treasurer be directed to take up a Sloop for the Service of the Province, to carry Provisions, &c. for Supply of the Forces, that She be mounted with Four Svivel Guns, Manned and Victualled for the Service.

And then the House Adjourned till to Morrow Morning Nine a Clock. [55]

Martis 3 die Julii 1722.

AN Engrossed Bill Entituled, *An Act for Apportioning and Assessing a Tax of l. 6000 on Polls and Estates.* Read, And

Resolved, That the same do pass to be Enacted.

An Engrossed Bill to Enable the Overseers of the Poor and Select Men to take care of Idle and Disorderly Persons. Read a Third Time. And

Resolved, That the same do pass to be Enacted.

Mr. *Cooke* from the Committee of Petitions, reported as follows,

On the Accompt of *Bartholomew Green*, that they have Examined his Accompt, and find it right Cast and well Vouched, That therefore the Sum of *l.*35 16*s.* 4*d.* be Allowed and Paid out of the Publick Treasury to the Accomptant *Bartholomew Green* in full Discharge of his Accompt. Read, Accepted,

And Sent up for Concurrence.

On the Accompt of *Ebenezer Allen*, Reported,

The Committee are of Opinion that the Sum of *l.* 30 be Allowed and Paid out the Publick Treasury to Doctor *Ebenezer Allen* to Discharge the said Accompt, pursuant to the Agreement he made with this Government.

Read, Accepted, And Sent up for Concurrence.

On the Accompt of Major *John Chandler* Reported,

The Committee are of Opinion that the Sum of *l.*3 9*s.* 1*d.* (part of the within Accompt, arising for Charges in sending Expresses after and securing one *John Blin*, and attending the Court when he was Tryed) be paid out of the Publick Treasury to the Accomptant *John Chandler*, and that the Horses in his hands, be returned to said *Blin*, he paying the Charge of their keeping.

Read, Accepted, And Sent up for Concurrence.

On the Accompt of *Thomas Loring* Reported,

The Committee are of Opinion that *l.* 1 8*s.* be allowed and paid out of the Publick Treasury to Mr. *Thomas Loring* in full Discharge of the said Accompt. Col. *Thaxter* declaring that the said *John Mulfey* was Billetted by him.

Read, Accepted, And Sent up for Concurrence.

On the Accompt of *Joseph Peirce*, Reported,

The Committee are of Opinion that the Sum of *l.* 2 be allowed and paid out of

the Publick Treasury to *Joseph Peirce* to discharge the Accompt; *Daniel Gookin* asserting to the Committee the Truth of the Fact. Read, Accepted.

And Sent up for Concurrence.

On the Accompt of *John Pierpont* and *John Chandler*, Jun. Reported. The Committee are of Opinion that the Sum of *l.* 10 7*s.* be allowed and paid out of the Publick Treasury to discharge the within Accompt of *John Chandler* and *John Pierpont*, and that the said Sum of *l.* 10 7*s.* be allowed and paid out of the Publick Treasury together with the Sum of *l.* 3 9*s* 1*d.* Ordered to be paid by the Publick Treasurer to *John Chandler* Esq; on account of said *Blins* Tryal, be added to the Bill of costs for prosecuting said *Blin* to be paid by him and returned into the Treasury as the Usage and Custom has always been, before he be discharged.

Read, Accepted. And Sent up for Concurrence.

On the Accompt of *Stephen Harding* Reported. The Committee are of Opinion that the Sum of *l.* 4 1*s.* 6*d.* be allowed and paid out of the Publick Treasury to *Stephen Harding* in full discharge of his Accompt.

Read, Accepted. And Sent up for Concurrence.

On the Petition of *William Dummer* and *Edward Hutchinson* Esqrs. and Capt. *Joseph Wadsworth*, a Committee for Repairing the Castle, &c. The Committee are of Opinion that the Sum of *l.* 199 2*s.* 4*d.* be allowed and paid out of the Publick Treasury to Col. *Samuel Thaxter* for Timber and Plank he supplied: And that the Sum of *l.* 250 be Ordered out of the Publick Treasury into the Hands of the Committee for the ends aforesaid. Read and Accepted.

Sent up for Concurrence. [56]

*A Bill for Emitting l.*500 *in Small Bills.* Read a Third Time.

Resolved, That the same do pass to be Engrossed.

A Memorial Signed by the Honourable Judges of the Superiour Court of Judicature shewing, that as the Allowances made to the Officers, Soldiers, &c. have been raised, they also desire an Additional Allowance for their Support, &c.

Read.

A Petition Signed *Samuel Sewall*, &c. Inoculated Persons, praying that they may have Liberty to come up from the Hospital. Passed on in Council, viz.

Read and

Ordered, That the Prayer of the Petition be granted (provided the Petitioners do not walk in the Streets of this Town during this present Sessions of the General Court.) Sent down for Concurrence. Read and Non-Concurred.

A Petition Signed *John Menzies* Representative for the Town of *Leicester*, praying that this Court would allow them a Barrel of Powder, Bullets and Flint, for their Supply, &c. Read and Dismist.

A Petition Signed *John Larabe* Serjeant at *Castle-William*, praying that as there is but one Serjeant, he may have some further Encouragement for his double trouble in that Office. Read and

Resolved, That Serjeant *Larabe* in consideration of his past Services be allowed *l.* 2 13*s.* 4*d.* per Month, till the further Order of this Court.

Sent up for Concurrence.

Voted, That *Thomas Fitch* Esq; Mr. *William Clarke* and Mr. Treasurer *Allen* be a Committee in the recess of the Court to Audit the several Accompts of the Commissioners of the *l.* 100,000 Loan, and of the Trustees of the *l.*50,000 Loan.

An Indent for *Castle William*, having been presented by *William Barnsdel* Gunner, and recommended by his Honour the Lieutenant Governour. Read and

Voted, That Mr. Treasurer *Allen* be directed to supply him therewith.

Sent up for Concurrence.

Resolved, That the Committee who made the last Bills of Credit on this Province, be desired and directed to print off and finish as soon as may be, the Sum of *l.* 20,000. *l.* 15,000 thereof from the Plate of the highest Denomination, *l.*5,000 the remainder thereof, from the Plate of the middle Denomination, and deliver them when finished to the Treasurer of the Province, taking his Receipt for them. The said Committee to be paid for their Service as for the Bills last made. That *l.* 7000 thereof be issued out by the Treasurer for the Service of the Province, according to the Resolve of this Court at their present Sessions, the remaining *l.* 13000 to be kept in his Hands till further Order.

Sent up for Concurrence.

Post Meridiem.

A Petition Signed *Jonas Bond*, *Nathanael Bridges*, &c. Committee for the Town of *Watertown*, praying that His Excellency, &c. would speedily order, That what the Town has done or may do in compliance with the Order of the General Court, may be confirmed with a Vote of Council thereon, *viz.*

Ordered, That *Jonathan Dowse* and *Spencer Phipps* Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee, to see the Orders of the General Court, referring to the Meeting-House in *Watertown*, well and truly executed. And also to take Care of and manage the other part of this Petition, *viz.* The Apprizing of the middle Meeting-House, giving Publick notice to the Petitioners for the said middle Meeting-House, that so they may bring in the Accompt of their Interest therein, in order to receive a proper Consideration for the same.

Sent down for Concurrence. Read and Non-Concurred.

Upon Reading a Petition Signed *Jonas Bond* and 6 others Inhabitants of *Watertown*, with another Petition Signed *John Willington*, *Joshua Biglo*, and 22 others, Proprietors of the middle Meeting-House in *Watertown* (as they stile themselves.) [57]

Ordered, That Mr. *Cooke*, Mr. *Fullam*, Mr. *Dudley* and Mr. *Remington* be a Committee to repair to *Watertown* in the Recess of the Court, and inquire into the Grounds and Reasons of the Proprietors designs and endeavours to pervert the Resolves and Orders of this Court, passed at a Session in *November* 1720. relating to the dividing the Town into Two Precincts and their getting Mr. *Robert Sturgeon* privately Ordained in *Boston*, and then to be Installed at *Watertown* and take upon him the Pastoral Care of the Members of the pretended Church in *Watertown*, contrary to the good Order of the Churches here; and why he continues to Preach there, having been forbid by Two Councils of Churches: his disorderly Carriage in that Affair if not seasonably prevented, may be very Prejudicial to the Constitution and break in upon the Peace of the Churches; And make Report to this Court what they think proper to be done at the next Session of this Court. And that Mr. *Robert Sturgeon* forbear Preaching in *Watertown* in the mean time. Sent up for Concurrence.

An Accompt Signed *Joseph Marion* amounting to *l.* 4 17*s.* for Writing for this House. Read and Committed to Mr. *Dudley*.

An Act in Addition to an Act made in the Eighth Year of the Reign of the late Queen Anne, Entituled, *An Act to prevent Nusances by Hedges, Wares, &c.*

Read, and Referred to the next Sessions.

Then the House Adjourned till Thursday Morning Nine a Clock.

Jovis 5 die Julii 1722.

In the House of Representatives.

V*Oted*, That Commissioners be appointed to deliver the Present Ordered by this Court at their Sessions in *August* last, to be made to the Five Nations, to renew the Ancient Amity between this Government and those Tribes. That the Commissioners be particularly instructed to represent to the Chiefs of those Tribes how perfidiously many of His Majesty's Subjects have been treated by those Eastern Indians called *Abnequois* in the repeated Insults and Acts of Hostility by them committed contrary to their many solemn Covenants and Engagements, yet notwithstanding this Government hath hitherto continued to use all manner of gentleness towards them, and have thought fit before they proceed to do Justice upon them, to represent those Abuses to the *Iroquois* who are the most considerable Tribes of the Natives, and who have a great Influence on the other Indians, and to desire and engage the continuance of their Friendship with us. That in case the said Indians should by repeated and insuffererable insults bring things to extremity, the said *Iroquois* would join with us in reducing them to a good and peaceable behaviour for the future.

Voted, That the Present to be sent to the *Moquois* be *One Thousand Pounds*

including the Present now at *Albany*, and that the Hon. *William Tailer* Esq; *Elisha Cooke* and *John Stoddard* Esqrs; be the Commissioners to go to *Albany*, &c. to manage the Treaty with the Five Nations.

Sent up for Concurrence.

Voted, That Mr. *Cooke*, Mr. *Wainwright*, and Mr. *Fullum* be a Committee to wait on His Excellency the Governour and the Honourable Board, and inform them, That the House is very desirous to rise this Evening, and in order thereto would sit till One of the Clock, that they might the better finish the Affairs before them. And that they enquire whether His Excellency has passed upon the Resolve of both Houses respecting the College.

An Engrossed Bill Intituled, *An Act for Reviving several Acts Expired or near Expiring*. Read, And

Resolved, That the same do pass to be Enacted.

Sent up for Concurrence. [58]

A Petition Signed *Joseph Parsons*, &c. passed on in this House the 29th of *June*, and Sent up for Concurrence, was brought down from Council,

Read and Concurred with Amendment,

And Sent down for Concurrence.

Read and Concurr'd. Sent up.

Mr. *Secretary* brought down the Report of the Committee of both Houses on the College. Read and Concurred by the Council, and Consented to by His Excellency as follows, *viz. July 2d.* 1722. I consent to these Votes, provided the Reverend Mr. *Benjamin Wadsworth*, the Reverend Mr. *Benjamin Colman*, and Mr. *Appleton* are not removed by said Votes, but still remain Fellows of the Corporation. *Samuel Shute.*

Read, And

Voted, That a Message be sent up to His Excellency the Governour, to acquaint him, That whereas he has been pleased to make a Proviso in his Consenting to the Votes passed upon by both Houses, relating to *Harvard College*, which has a tendency intirely to defeat the designs and purpose of those Votes. Therefore desire His Excellency to pass absolutely thereon, according to the constant usage and practice ever since the present happy Constitution. Sent up.

A Petition Signed by the Inhabitants of *Biddeford*, presented *June* the 9th. past. Read again, and dismist.

A Petition Signed *John Wainwright* by order of the Trustees of the School of *Ipswich*, was brought down by Mr. *Secretary*. Non-concurred.

And upon a Motion made by *John Wainwright* Esq; that the House would pass some Resolve relating to the Petition Non-concurred by the Council,

Resolved, That *Sarah Coggswell* Widow, in possession of certain Lands belonging to the said School, and who was Defendant in the Case mentioned in the said Petition, be served with a Copy thereof in order to her making Answer and assign-

ing her Reasons (if any she have) upon the 2d Tuesday of this Court in their next Sessions, why the Prayer of the Petition should not be granted.

Sent up for Concurrence.

In Council *July*

His Excellency having Communicated to the Board a Letter from Monsieur *Vaudriel* the French Governour of *Canada*, wherein he acknowledges and justifies his Advising and Assisting the Indians of *Kennebeck River*, in their late Hostilities on His Majesty's Subjects inhabiting those Parts of this Province, which they apprehend to be contrary to the Treaty of Peace between the Crowns of *Great Britain* and *France*, to the Dishonour of this Government, and Damage of His Majesty's Good People.

Resolved, That an Humble Address be prepared to be presented to His Majesty in the Name of this Court, most humbly praying His Majesty's Commands and Gracious Favour on this Important Occasion, And that *John Appleton*, *Jonathan Belcher*, and *Paul Dudley* Esqrs; with such as the Honourable House of Representatives shall join be a Committee to prepare a Draught of the said Address, to be laid before this Court. The Committee to sit forthwith.

Sent down for Concurrence. *J. Willard* Secr.

Paul Dudley Esq; brought down the Resolve of this House on the *Watertown* Petitions, Passed on in Council, *July 5th.* 1722. *viz:* Read and Concurred, and Ordered, that *Samuel Sewall*, *Jonathan Dowse* and *Spencer Phipps* Esqrs; be added to the Committee. Sent down for Concurrence.

Read and Concurred.

The following Vote of Council was brought down the 3d Instant, viz.

In Council July 3d, 1722.

Ordered, That *Samuel Thaxter*, *Robert Spur* and *John Quincey* Esqrs; the Committee appointed by this Court to Sell a Tract of Land lying near the Patent Line and Adjacent to the Township of *Dorchester*, who were in a very Rude and Violent manner Interrupted in their Work, by *Ephraim Fobes*, *Edward*, *Ephraim* and *Daniel Howard;* repair thither again in order to Survey and Run the Lines of the said Tract of Land, in order to the Sale thereof, and finish the Work Com- [59] mitted to them. And inasmuch as the said *Ephraim Fobes*, *Edward*, *Ephraim* and *Daniel Howard*, have by an humble Petition under their Hands during their Imprisonment, acknowledged their Contempt of Authority, and begg'd Pardon for the same; and promised to behave themselves better for the future.

Ordered, That they be Dismissed upon their giving good Security to the Satisfaction of any Two of His Majesty's Justices of the Peace, for their good Behaviour towards His Majesty's Government of this Province, and especially towards the Committee aforesaid, and such as shall assist them in their Work aforesaid, and until the next Sessions of this Court, then to Appear in order to their being Discharged. Sent down for Concurrence.

Josiah Willard, Secr.

In the House of Representatives, July 5th. 1722.

Read and Non-concurred.

And *Ordered*, That the above Committee be a Committee of this Court to run the Lines of the said Tract of Land, and that if they meet with any Obstruction in performing said Work, they Sue the Persons in Damage. And if they find any Persons have got into Possession of the Premises, that they direct the Attorney General to bring a Writt of Trespass and Ejectment against all such.

Sent up for Concurrence.

A Petition Signed *James Habersham* and *Susanna Habersham*, praying that they may be Enabled by a Private Act, or by a Hearing to lay before this Court some Reasons for their Relief, &c. Passed on in Council *June* 29th, viz.

Read and

Ordered, That the Petitioners serve the Adverse Party with a Copy of this Petition, that so he may make answer thereto (if he see cause) on Monday next.

Sent down for Concurrence.

Read and Concurred with Amendment, *viz.* On the Second Tuesday of the next Sessions. Sent up for Concurrence.

*An Engrossed Bill for Emitting the Sum of l.*500. Read, And

Resolved, That the same do pass to be Enacted.

Sent up for Concurrence.

Post Meridiem.

The House proceeded to consider the state of the Eastern Settlements, and after a long Debate thereon, *Voted*, That Mr. *Fullum*, Mr. *Dudley*, Mr. *Quincey* and Mr. *Stoddard*, be a Committee of this House to join with such as the Honourable Board shall appoint, to enquire into the Condition and Circumstances of those Settlements, and Report their Sentiments to this Court as soon as may be.

Sent up for Concurrence.

John Cushing Esq; brought down the Petition of the Trustees of the School of *Ipswich*, passed on in Council, with Amendment.

And Sent down for Concurrence. Read and Concurred.

Also the Report of the Committee for repairing the *Castle* Boat, with a Vote of Council thereon, *viz.* Read and Concurred, and *Ordered*, That *Jonathan Dowse* Esq; be joyned with Mr. *Clarke* in that Affair. Sent down for Concurrence.

Read and Concurred.

Mr. *Secretary* brought down the following Message from his Excellency, *viz.*

Gentlemen, *I received your Message relating to the Affairs of the College, and tho' I am not obliged to give my Reasons for any manner of Signing or my refusing to Sign any Vote, Yet I think it proper so to do upon this Occasion, and therefore do now inform you, That the Limitations with which I Signed the Resolve, were agreeable to*

the Explanation made to me by the Council at the time of my Signing; and also agreeable to the desire and intention of the Overseers in their Address to the General Court. Wherefore I cannot consent unto those Votes upon any other Terms than what I have already done, until I have appointed another Overseers Meeting for their further Opinion in this matter. S. Shute. July 5th. 1722.

Voted, That that Explanation made by the Council to His Excellency seems inconsistent with their own Vote upon the Resolve, and therefore this House insist upon their desire that His Excellency pass upon it absolutely without any Proviso or Limitation. Sent up. [60]

An Accompt Signed *Samuel Checkley* Treasurer of the County of *Suffolk*, Anno 1722. was Presented to the House. Read and Allowed, And

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 6 die Julii 1722.

Voted, That the Indian Hostages now at *Castle-William* be Exchanged for the English Captives that have been surprized by the Indians, and that Mr. *Fullam*, Mr. *Wainwright*, Mr. *Clarke*, Mr. *Remington*, and Mr. *Knoulton* be a Committee to consider and propose the properest and safest methods for Exchanging them.

The following Resolve of Council sent down, viz. In Council *July 5th.* 1722.

Whereas in the Paper call'd the New England Courant *printed Weekly by* James Franklin, *many Passages have been published, boldly reflecting on His Majesty's Government and on the Administration of it in this Province, the Ministry, Churches and College: and it very often contains Paragraphs that tend to fill the Readers minds with vanity, to the dishonour of God and disservice of Good Men.*

Resolved, That no such Weekly Paper be hereafter Printed or Published without the same be first perused and allowed by the Secretary, as has been usual. And that the said *Franklin* give Security before the Justices of the Superiour Court in the Sum of *l.*100 to be of the good Behaviour to the end of the next Fall Sessions of this Court. Sent down for Concurrence.

Read and Non-concurred.

A Petition Signed *B. Wright*, &c. Inhabitants of *Northfield*, praying that they may be put into some posture of Defence against the Indians. Read, And

Voted, That the Soldiers at *Northfield* be directed to Garrison one or more of the most suitable Houses there for their Security, and that it be recommended to the Inhabitants to assist them with their Teams. Sent up for Concurrence.

The Petition from the Inhabitants of *Biddeford* was Reconsidered, and *Voted*, That the Sum of *l.*25 be allowed and paid out of the Publick Treasury to the Rev. Mr. *Matthew Short* Minister of said Place in full of his past Service.

Sent up for Concurrence.

Whereas the Town of Rutland *was indulged with the Priviledges of other Towns, but none appointed to call the first Town Meeting.*

Voted, That Mr. *Samuel Wright* of *Rutland* be Impowered to call a Meeting of the Proprietors and other Inhabitants of that Town qualified by Law, on the last Monday of this Currant *July*, then to choose Officers to serve in that Town, till the next *March* Meeting. Sent up for Concurrence.

Mr. *Clarke* from the Committee Reported. That they have examined the Portledge Bill of the Ship Flying-Horse. And that they find due to the Men the Sum of *l.* 202 12*s.* 8*d.* Read and

Resolved, That the Sum of *l.* 202 12*s.* 8*d.* be allowed and paid out of the Publick Treasury to Capt. *Peter Papillion* to discharge the Wages due to the Officers and Sailors. Sent up for Concurrence.

In the House of Representatives.

Voted, That Two meet Persons with a Skilful Interpreter be immediately dispatched to *Noridgawack* or elsewhere, where the Heads of the Tribes of the Eastern Indians may be found, under a Flagg of Truce, with a written Message from this Government to them demanding the Reasons for their late Insults and Acts of Hostilities in surprizing so many of His Majesty's good Subjects and destroying their Substance directly contrary to the Articles of Peace formerly stipulated with this Government, That the Messengers propose to the Indians, that they or their delegates Meet with the Commissioners appointed by this [61] Government at *Arrowsick* some time in this Month, where they may be assured to see our Commissioners, and upon their Surrender and Delivery of all His Majesty's good Subjects there, which they have lately seiz'd and surpriz'd as aforesaid, the Commissioners will deliver up the Hostages, and will also be fully impowered by this Government to Treat and Conferr with them on any just Article of Grievance between this Government and them, and that Col *Turner* Esq; Major *John Quincey* and Mr. *John Dyer* be a Committee for the Ends aforesaid, and that His Excellency be desired to give Orders that the said Commissioners (with the Hostages) immediately proceed to *Arowsick* aforesaid, (with agreeable Instructions)

Sent up for Concurrence.

Then the Question was put, *Whether the House should go upon Allowances?*

And it passed in the Affirmative.

Resolved, That the Sum of *l.* 500 be allowed and paid out of the Publick Treasury to His Excellency *SAMUEL SHUTE* Esq; Captain General and Governour in Chief of this His Majesty's Province for His Support in managing the Affairs of the Government. Sent up for Concurrence.

Then the Question was put, *Whether any thing be allowed to the Honourable* William Dummer *Esq; Lieutenant Governour?*

And it passed in the Negative.

Resolved, That the Sum of *l*.500 be allowed and paid out of the Publick Treasury to the Honourable Judges of the Superiour Court of Judicature in proportion to the Courts they attended the Year past. Sent up for Concurrence.

Resolved, That the Sum of *l*.250 be allowed and paid out of the Publick Treasury to *Jeremiah Allen* Esq; Treasurer of this Province for his Service the Year past. Sent up for Concurrence.

Resolved, That the Sum of *l*.20 be allowed and paid out of the Publick Treasury to *William Payne* Esq; Clerk of the House in part of his Service for the Year Currant. Sent up for Concurrence.

Resolved, That the Sum of *l*. 25 be allowed and paid out of the Publick Treasury to *John Flagg* Doorkeeper to His Excellency the Governour and this Court for his Service Half a Year ending *June* 26th past. Sent up for Concurrence.

An Accompt Signed *John Flagg* Doorkeeper, amounting to *l* 4 10*s*. for looking after the Clocks, and Money expended by him. Read, And

Resolved, That the Sum of *l*. 1 10*s*. be allowed and paid out of the Publick Treasury to *John Flagg* Doorkeeper, in full of his said Accompt.

Sent up for Concurrence.

A Memorial Signed *Paul Dudley*, *Samuel Thaxter*, and *John Stoddard*, representing their Journey to *Albany* last Fall, to treat with the Five Nations, and desiring some Allowance for the same. Read and Referred.

William Tailer and *Paul Dudley* Esqrs; brought down the Vote of this House appointing *Samuel Thaxter* Esq; Col. *Robert Spurr* and *John Quincey* Esq; a Committee to run the Lines of the Tract of Land lying near the Patent Line adjacent to the Town of *Bridgewater* Non-concurred in Council, and a new Vote thereon, *viz*. in Council *July* 6th. 1722. *Ordered*, That *Samuel Thaxter, Robert Spurr*, and *John Quincey* Esq; be continued a Committee to run the Lines of a Tract of Land near the Patent Line (so called) and adjacent to the Town of *Dorchester*, particularly discribed in a former Order of the General Court impowring them a Committee for that Service. And that *Ephraim Fobes*, *Edward*, *Ephraim* and *Daniel Howard* give sufficient Security to the satisfaction of Two of His Majesty's Justices of the Peace for their good Behaviour until the end of the next Sessions of this Court, towards his Majesty's Goverment, more especially towards the said Committee, and those that shall assist them in that Work, and that the Committee make Report to this Court at their Sessions in Autumn next.

Sent up for Concurrence. Read and Non-concurred. And

Resolved, That this House insist upon their Former Vote.

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Nine a Clock. [62]

Sabbati 7 die Julii. 1722.

A Petition Signed *Jeremiah Belcher*, praying as entred the 15th of June past, Read again, and Referred to the next Sessions.

A Petition Signed *Thomas Baker* and *Joseph Kellog*, praying, That as they were sent to *Canada* by this Government on an Express, and have performed their Order, they may have some Allowance for the same. Read, and

Resolved, That the Sum of *l*.60 be allowed and paid out of the Publick Treasury to Messieurs *Thomas Baker* and *Joseph Kellog*, *l*. 30 to each of them, in full of their Charges and Expence in going to *Canada* and returning thence.

Sent up for Concurrence.

An Accompt Signed *Samuel Tyley* and *Benj. Rolfe* amounting to *l*.3 6*s*. for Writings, presented the last Sessions, and Referred. Read again, and

Resolved, That the Sum of *l*.2 6*s*. be allowed and paid out of the Publick Treasury to *Samuel Tyley* and *Benj. Rolfe* in full of the said Accompt.

Sent up for Concurrence.

An Accompt Signed *Joseph Marion*, amounting to *l*.4 17*s*. for Writings this Sessions. Read, And

Resolved, That the Sum of *l*.4 17*s*. be allowed and paid out of the Publick Treasury to Mr. *Joseph Marion* in full of said Accompt.

Sent up for Concurrence.

An Accompt Signed *Joseph Buckminster*, amounting to *l*.6 12*s*. for billeting 12 Soldiers, 11 Days each, Impressed June 26th past. Read, and

Resolved, That the Sum of *l*.6 12*s*. be allowed and paid out of the Publick Treasury to Col. *Joseph Buckminster* in full of said Accompt.

Sent up for Concurrence.

Mr. *Cooke* from the Committee on the Accompt of *George Pemberton*, Reported, That having Examined the same (to the Truth of which the Doctor gave Oath before the Committee) they are of Opinion that the Sum of *l*.38 12*s*. be allowed and paid out of the Publick Treasury to Doctor *George Pemberton*, in full Discharge of said Accompt. Read, Accepted.

And Sent up for Concurrence.

Resolved, That the Representatives of the Town of *Boston* agree with the said Doctor *Pemberton*, or some other Doctor to look after the Soldiers at *Castle William*, and provide Medicines, &c. for them, by the Year.

Sent up for Concurrence.

On the Accompt of the Committee for repairing *Castle William*, the Committee having Examined the same, and seen the Vouchers to the Particulars, are of Opinion, That the Accomptants be discharged of *l*.292 9*s*. 8*d*. already expended, the Ballance being *l*57 10*s*. 4*d* is still remaining in their hands.

Read, Accepted, And Sent up for Concurrence.

A Message by *John Cushing* Esq; viz. That His Excellency desires the Accompt Signed by *Thomas Baker* and *Joseph Kellog* may be sent up to the Board.

Sent up by Mr. *Dwight.*

A Motion being made that the Memorial which came down from the Board about the *Boston Courant*, might be sent for again. The *Question was put*,

And it passed in the Negative.

Voted, That Mr. *Fullam* go up to the Board and inquire what is passed on the Vote of this House for sending a Present to the Moquois. And on the Vote for a Committee to be sent to the Eastern Indians, who returned that the Council were now upon them.

A Petition Signed *John Usher* presented the 27th of *June* last, Read again and referred to the next Sessions, and further resolved, That all process on his Mortgage be stopt in the mean time. Sent up for Concurrence.

Then the House considered the Members that went away without leave, and Fined them therefor.

An Accompt Signed *William Clarke* amounting to *l.* 5 11 for Expence of the Committee of both Houses during this Sessions. Read and

Resolved, That the Sum of *l.* 5 11 be allowed and paid out of the Publick Treasury to Mr. *William Clarke*, to discharge the said Accompt.

Sent up for Concurrence. [63]

Voted, That Mr. *Stoddard*, Mr. *Allen* and Mr. *Fullam* go up to the Board and inquire, *Whether all the Acts and Resolves, passed both Houses were passed upon by His Excellency?*

A Message by Mr. Secretary, That His Excellency had passed upon all the Bills, Resolves &c. Passed by both Houses in this Sessions.

Voted, That Mr. *Chandler*, Mr. *Wainwright*, Mr. *Fullam*, Mr. *Remington* and Mr. *Moody* wait on His Excellency and acquaint Him that this House desires to rise this Morning who returned that His Excellency said, There were several Affairs lying before the Board, and they would send down a Message presently.

Thomas Fitch, *Samuel Thaxter* and *Spencer Phipps* Esqrs. brought down a Vote of this House for sending Commissioners to Treat with the Indians. Read and Concurred with amendment, of setting up trading Houses, &c.

Sent down for Concurrence. Read and Non Concurred. And

Resolved, That this House insist on their former Vote.

Sent up for Concurrence.

Voted, That Mr. *Wainwright* go up to the Board and inquire whether the Court is likely to rise this Forenoon, who returned that a Message would come down immediately.

John Cushing Esq; brought down the following Vote, *viz.* In Council *July* 7th. 1722. *Whereas this Court is desirous to Rise, and not like to go thro the Address to*

His Majesty referring to Monsieur Vaudriel *Governour of Canada his assisting the Eastern Indians, in their late Hostilities.*

Voted, That *Penn Townsend*, *Addington Davenport*, and *Paul Dudley* Esqrs; with so many of the Members of the Honourable House of Representatives as shall be appointed and may be got together during the Recess of this Court be a Committee to draw up an Address to His Majesty in the Name of the Great and General Assembly of this Province on that important Occasion, which being laid before His Excellency and Council, and by them approved of, shall be Signed by the Secretary in the Name of the whole Court, and so forwarded by the first good Conveyance. Sent down for Concurrence. *J. Willard*, Secr.

Read and Non-concurred.

Edward Bromfield Esq; brought down the following Vote. viz. *July* 7th. 1722. His Excellency acquainting the Board, that he expects by the Return of the Post, an Answer from Governour *Burnett* with respect to the Present intended to the Five Nations, and the Court being desirous to rise. *Voted*, That *Penn Townsend*, *Addington*, *Davenport*, and *Paul Dudley* Esqrs; with so many of the Members of the House as shall be appointed, and may be got together during the Recess of this Court, be impowered to consider and agree, what may be proper to be done as to the Present of *l.*1000 Voted by this Court, and lay the same before His Excellency the Governour and Council for their Approbation, and that it be put in Execution accordingly. Sent down for Concurrence.

J. Willard, Secr.

Read, and *Voted* a Concurrence, provided it be conformable to the Resolve of this Court, and that Mr. *Speaker*, Mr. *Cooke*, Mr. *Clarke*, Mr. *Chambers*, Mr. *Tay*, Mr. *Remington*, and Mr. *Austin*, be added to the Committee.

Post Meridiem.

Upon a Motion, That the Vote of Council sent down this Day for an Address to be sent to His Majesty on Monsieur *Vaudriel* s assisting the Indians in their Hostilities may be Reconsidered. The Question was put,

Whether the said Vote of Council should be Reconsidered?

It pass'd in the Negative.

A Petition Signed *Richie* and *Robert Love*, praying that the estople put upon the Wages of their Servant *Matthew Barns*, a Soldier under the Command of Capt. *Richardson* (as an Inhabitant of *George-Town*) may be taken off, and that they may be allowed his Wages. [64]

Read and Referred to the next Sessions.

Thomas Hutchinson Esq; brought down the Vote of this House for sending a Present to the Five Nations which was Read in Council and Non-concurred, with a further Vote of Council, *viz. Ordered*, That *William Tailer* and *Spencer Phipps*

Esqrs; with such as the Honourable House of Representatives shall join with them, be Commissioners to proceed with the Present of this Court to the Five Nations. Sent down for Concurrence.

Read and Concurred, and *Voted*, That *Elisha Cooke* and *John Stoddard* Esqrs; be added to them. Sent up for Concurrence.

Voted, That Mr. *Chandler*, Mr. *Hitchcock*, Mr. *Fullam*, and Mr. *Allen*, go up to the Board, and acquaint His Excellency that the House has nothing lying before them, and are desirous to Rise this Night. Who Returned That the Board were just finishing every thing, and would Send down to the House.

A Message by Mr. Secretary, *viz.* Mr. *Speaker*, His Excellency directs me to acquaint this House, That He does not consent to Mr. COOKE's being a Commissioner to treat with the Five Nations, and therefore proposes that the House nominate some other Person. *July* 7th. 1722. Read and Sent up.

Edward Bromfield Esq, brought down the Vote of this House for sending Commissioners to treat with the Eastern Indians, Passed on in Council, *viz.* (Read and Adhered to the Order of the Board relating to the Commissioners,) and Concurred with the remainder of the Vote of the House, with a new Amendment, viz *Who in order to oblige the Indians to adhere firmly to the English Interest, shall propose their dependance on this Government for supply of Cloathing and other Necessaries, which they shall be furnished with at easy Rates and Prizes.*

Sent down for Concurrence. Read and Nonconcurred.

Also a Vote of Council, *viz. July* 7th. 1722. *Voted*, That His Excellency the Governour be desired to Issue out a Proclamation, for appointing a Day of Publick Fasting and Prayer as soon as may be to be Solemnized through this Province. *J. Willard*, Secr.

Read and Concurred.

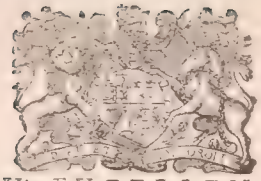
A Message by Mr. *Secretary*, That His Excellency directs this Honourable House forthwith to attend Him in the Council Chamber.

Mr. *Speaker* and the House went up accordingly. And Mr. *Secretary* by His Excellency's Command Prorogu'd the Court to Wednesday the Eighth of *August* at Ten of the Clock in the Forenoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722.

ERRATA.

Page 5 For Oyster Island, Read, a small Point of Upland and Meadow. P. 9 for John Hollis, r. Thomas Hollis. P. 11 for Joseph Burnam, r. James Burnam. P. 46. for Commissary r. Commissioners.



By His EXCELLENCY,

Samuel Shute, Esq;

Captain General and GOVERNOUR in Chief, in and over His Majesty's Province of the *Massachusetts-Bay*, in *New-England*, &c.

A DECLARATION

against the *Eastern-Indians*.

WHEREAS the [illegible] Inhabitants of the Eastern Parts of this Province, notwithstanding their [illegible] to His Majesty's Crown and Government, their [illegible] Indians [illegible] Engagements Entered into with the Government here Inhabitants, to [illegible] themselves Peaceable and Answerable towards His Majesty's [illegible] Subjects, [illegible] and [illegible] the Kind and good Treatment they have Received [illegible] this Government, Have for [illegible] Years last past, proceed in Contempt, Perfidious, and in an Hostile Manner, and [illegible] Disturbance to His Majesty's Subjects in the Eastern Parts of this Province, Killing their Cattle, and Threatening [illegible] their Persons and Estates, and in Albule of the Loyalty [illegible] the Government, have [illegible] with the utmost Hostility, Treachery, [illegible] Perfidy, Disgrace, and like Capitulations of His Majesty's [illegible] Subjects, Men, Women and Children upon the Sea Coast, and Houses and Mills up the Land, as Well [illegible] and by the most Barbarous Cruel Manner to Murder [illegible] Inhabitants of this Province, [illegible] Kind [illegible] Hostility [illegible] Adversaries [illegible] Where upon One of His Majesty's Forts, [illegible] KING [illegible] were Lying.

I Do therefore, by and with the Advice of His Majesty's Council, hereby Declare and Proclaim the said Eastern Indians, with their Confederates, to be Rebels, Traitors and Enemies to His Majesty King GEORGE, His Crown and Dignity and that they be henceforth proceeded against as such; Willing and Requiring all His Majesty's good Subjects, as they shall have Opportunity, to do and Execute all Acts of Hostility upon them: hereby also forbidding all His Majesty's Subjects to hold any Correspondence with the said [illegible], or to give Aid, Comfort, Succour, or Relief unto them, on Penalty of the Laws in that Case made and provided.

[illegible] Barbarous [illegible] Government.

I do hereby Grant and Allow them to come in, and render themselves to the Commanding Officer of the Forces, or to the respective Officer of any Party or Parties in the Service; provided it be within Forty Days from this time.

[illegible] Hope [illegible]

I do hereby also strictly forbid any of the said [illegible] to move out of their respective Plantations or such other Places whereto they shall be assigned; or to come into any [illegible] Town, or District within the late Colony of the Massachusetts-Bay, or the County of [illegible], without special Order in Writing from My Self, or being Attended with such [illegible] as I shall appoint to Oversee them, at their Peril, and as they tender their own Safety.

[illegible] I forbid all the [illegible] to hold Communication with, Harbour, or Conceal any of the said Rebel or Enemy [illegible] requiring them to seize, and secure all such that may Come amongst them, and to Deliver them up to Justice.

And all Military Commission Officers are hereby Authorized and Commanded to put this Declaration and Order in Executi[illegible].

[illegible] Year of [illegible] KING, [illegible] Province.

By Order of His Excellency the Governour
by and with the Advice of the Council,

Josiah Willard, Sec.

S. SHUTE.

GOD Save the King.

Anno Regni Regis GEORGIJ nunc Magnæ Britanniæ, &c. Nono.

JOURNAL

Of the House of

Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the **Massachusetts-Bay** in **New-England**, Begun and Held at **Boston** on the 30th Day of **May**, 1722. And continued by Prorogation to Wednesday the 8th of **August** following, and then Met.

A Message by Mr. Secretary that His Excellency directs this House forthwith to attend Him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency made a SPEECH to them, of which Mr. Speaker obtained a Copy, and is as followeth

GENTLEMEN:

THE Indians contrary to their Repeated Solemn Treaties and Engagements, and also their frequent Submissions to His Majesty's Government, having destroyed many of our Eastern Settlements by Burning Houses, Killing Cattle; And also cruelly Murthering some of His Majesty's Leige Subjects, which Outrages I thought were no longer to be endured.

I therefore by and with the Advice of His Majesty's Council have Issued out a DECLARATION *against the said Indians as Rebels and Traitors to His Majesty's Government.*

I have since been using my utmost Endeavours to put our Frontiers in the best Posture of Defence; And also to cover our Harvest as the Number of Men that are already out would allow of.

These Events have Occasioned my calling You together at this Juncture, that so we may concert the most proper measures to Extricate our selves out of the Difficulties which at present Surround us.

According to the small Skill I have in War, the most Vigorous One (tho' it will be Expensive) will in the Conclusion be found to be the most Advantageous, and in reality the best Husbandry.

Gentlemen of the House of Representatives,

One Thing I must Particularly Remark to You, which is, that if my Hands and the Councils be not left at a much greater Liberty than of late they have been, I fear our Affairs will be carried on with little or no Spirit. Surely [2] *every Person who*

wishes well to his Country will think it high time to lay aside all Anamosities, Private Peeks and Self-Interest, that so we may Unanimously join in the Vigorous Prosecution of the Weighty Affairs that are now upon the Carpet.

GENTLEMEN,

I have freely Communicated to you my Sentiments upon the present posture of Affairs, and wish they may be Agreeable to Yours, and then I make no doubt but that the War which the Indian Salvages have so unjustly forced us into, and which we for our own Preservation are so justly Engaged in, will through God's Mercy and Assistance prove of no long Duration.

The Honourable *William Tailer*, *John Wheelwright*, and *Spencer Phipps* Esqrs; brought down a Vote of the Council of *New York*, in Answer to a Letter sent by His Excellency our Governour to *William Burnett* Esq; Governour of *New York*, viz.

Post Meridiem.

At a Council held at *Fort George* in *New-York*.
July the 8th. 1722. Present.
His Excellency *William Burnett* Esq; &c.

Capt. *Walter*	{ }	Mr. *Harrison*
Mr. *Van Dam*		Doct. *Colden*.
Mr. *Barbarie*		

His Excellency acquainting this Board with part of a Letter from the Governour of *Boston* in the following words, *viz.*

"*I find Commissioners will not be appointed to come meerly to treat upon a Neu-*
"*trality* —— *if they may have the liberty to engage Five of the Mowhaws to go to the*
"*Eastern Indians, and acquaint them that they will take part with the English in case*
"*a War should break out, Our Commissioners will wait on you at the time appointed.*

Upon taking which Expressions into Consideration,

This Board are of Opinion, That the Five Nations ought not to be Engaged to leave this Province and concern themselves with the Eastern Indians since it may draw an Indian War on the Frontiers of this Province in its Consequences. That no more can safely be treated of by the Commissioners of *Boston* with the Five Nations then to renew the Covenant Chain with them, and to engage them to be no ways assisting or encouraging the Eastern Indians, and that they do treat publickly with the Indians in the presence of the Governour of this Province or Persons appointed by him. And that they hold no private Conference with them directly or indirectly.

By His Excellency and Council,
Wm. Bobin, &c.

Also a Vote of the Council thereon. In Council August 8th. 1722.

Ordered, That *Addington Davenport*, *Thomas Fitch*, *Adam Winthrop*, and *Paul Dudley* Esqrs; with such as the Honourable House of Representatives shall appoint be a Committee to consider what is proper for this Council to do upon the proceedings of the Council of *New-York* in the Affair of the Five Nations.

Sent up for Concurrence. Read and Concurr'd. And

Voted, That Mr. *Cooke*, Mr. *Fullam*, Mr. *Stoddard*, Mr. *Chandler*, and Mr. *Clarke* be added to them.

In the House of Representatives. August 8th. 1722.

May it please Your Excellency,

Y*Our Excellency having at the Opening of this Session acquainted the Court that by and with the Advice of His Majesty's Council, You have Issued out a* DECLARATION *against the Indians as Rebels and Traitors to His Majesty's* [3] *Government, for breaking through their Repeated Solemn Treaties and Engagements and frequent Submissions to His Majesty, by their many ways destroying the Eastern Settlements, and Cruelly Murdering some of His Majesty's Liege Subjects Inhabiting there. This House having had due Consideration thereof do hereby Declare and Manifest that Your Excellency and Council had Just and Sufficient Reasons to Resent the many Repeated Insults and Outrages done and perpetrated by those Indian Salvages on the People Inhabiting those Parts, by declaring them to be Rebels and Traitors as aforesaid: And we deem it our indispensable Duty and Interest at this Juncture to pursue those Indians in a most Vigorous War (agreeable to Your Excellency's Sentiments thereon) that so by the Blessing of* GOD *on our Just Endeavours they may be never able more to rise up against this People, and Your Excellency may depend upon all Chearful and Necessary Assistance from this House to pursue that matter.*

Edward Bromfield Esq; brought down the Report of the Committee of both Houses referring to the Maintenance of Two Ministers in the Town of *Weymouth*, with a Vote of Council thereon, viz. Read and *Ordered*, That the Consideration of this Report be referred to the Fall Session. Sent down for Concurrence.

Read and Concurr'd

Post Meridiem.

An Accompt Signed *Benjamin Woodbridge* amounting to *l.*6 6*s.* 2*d.* for Billetting. Read, And

Resolved, That the Sum of *l.*6 6*s.* 2*d.* be Allowed and Paid out of the Publick Treasury to *Cutting Noyes* on Account of *B. Woodbridge* in full of said Accompt.

Sent up for Concurrence.

An Accompt Signed *William Dudley*, amounting to *l.*8 3*s.* for Billetting, &c.

Read, And

Resolved, That the Sum of *l*.8 3*s*. be Allowed and Paid out of the Publick Treasury to *William Dudley* Esq; in full Discharge of the said Accompt.

Sent up for Concurrence.

Voted, That a Message be sent to His Excellency the Governour desiring there may be laid before this House an Account of the Number of Forces in the Service on the Frontiers, how they are Posted, and what Instructions are given to the Commanding Officer, for their Prosecuting the War against the Eastern Rebels.

Penn Townsend Esq; brought down the Number and Disposition of the Soldiers in the Publick Service. *viz.*

412 Men in the East Part of the Province of *Maine*.
60 Men gone on the Coast of Cape Sables to recover the Fishing Vessels taken by the Indians, Upon their Return to be added to the Forces in the Province of *Maine*.
20 Men gone with Capt. *Westbrook* to St. *George's* River.
15 Men, a Scout from *Dracut* to *Lancaster*.
20 A Scout, at *Rutland*.
20 At *Brookfield*.
10 At *Sunderland*.
20 At *Deerfield*.
14 Added to the Garrison at *Northfield*.
30 A Scout for *York*, *Berwick* and *Wells*.
15 A Scout at *Haverhill*.

636

And further, That their Orders were only to cover the Frontiers, and secure their Harvests. And that there had been no Order sent to the Officers since the Declaration of War.

Voted, That Mr. *Cooke*, Mr. *Stoddard*, Mr. *Chandler*, Mr. *Fullam*, Mr. *Wainwright*, Mr. *Fairbanks*, and Mr. *Quincey* with such as the Honourable Board [4] shall appoint, be a Committee to prepare some Methods for the more Speedy and Effectual Prosecuting the War against the Eastern Indians, to meet forthwith, and continue to meet till they come to a full determination about it.

Sent up for Concurrence.

Voted, That His Excellency be desired to lay before the Committee of both Houses, (this Day appointed to consider what is proper to be done on the Proceedings of the Council of *New-York*,) An Account of the Indians lately taken up and detained, Where they belong to, and of what Tribe or Nation they are.

Sent up for Concurrence.

Then the House Adjourned till Friday Morning Nine a Clock.

Veneris 10 die August 1722.

A Petition Signed *Wm. Thayer*, &c. Inhabitants of *Taunton-North-Purchase*, Praying that they may be made a Township, &c.

Read, and Referred to the next Sessions. And

Voted, That the several Petitions and Affairs continued to this Sessions be further continued to the next Sessions.

An Accompt Signed *Daniel Russel*, Treasurer of the County of *Middlesex*, Anno 1721. was presented to the House. Read and Allowed.

Sent up for Concurrence.

A Petition Signed *Elisha Plaisted*, praying that as he was fined *l.*4 for his Absence at the *March* Sessions, he may be considered and have his Fine abated, for Reasons therein given. Read and Dismist.

A Petition Signed by the Inhabitants of *Lancaster*, setting forth how they are Exposed to the Enemy, and praying that they may have some considerable strength Allowed to them. Read.

A Petition Signed by the Inhabitants of *Dracut*, praying that they may be Allowed 16 Garrison Soldiers, and 10 more for a Scout. Read.

Benj. Lynde Esq; brought down a Report of the Committee of both Houses, *viz. August* 10th. 1722. The Committee appointed to consider what is proper for this Court to do upon the Proceedings of the Council of *New-York*, in the Affair of the Five Nations, are of Opinion, That the Goods already sent to *Albany* as a Present to the Five Nations, (being made up *l.*500 be delivered to them at the Treaty which is to be there this Month, by Two Commissioners to be appointed by this Government, who are forthwith to proceed on their Journey.

And that the said Commissioners be instructed to renew the Covenant Chain with the Five Nations and to engage them to be no ways assisting or encouraging the Eastern Indians in their present Rebellion against His Majesty King *GEORGE*, and Hostilities against His Good Subjects the Inhabitants of this Province. And that His Excellency be desired to write to the Governour of *New-York*, that he would be pleased to use his Interest and Authority in promoting this Affair. *A. Davenport*, by Order of the Committee.

With a Vote of Council thereon, *viz.* Read, Accepted, and

Sent down for Concurrence.

The Committee for repairing the Castle Boat, Reported, That they had her halled up, took out a Plank on each side, and find her very rotten, and her Plank too thin to hold Ocam, her Timbers so rotten that they will not hold the Nails, and are of Opinion that it will cost more to repair her than to have a new one built. Which is submitted by

Jonathan Dowes
Wm. Clarke. } Committee. [5]

Read and Accepted, and *Ordered*, That the said Committee take care to get a New Boat built, and that they make use of all the Iron Work and other Materials of the Old Boat that may be useful for the New One.

Sent up for Concurrence.

Edward Bromfield Esq; brought down a Petition Signed by sundry Proprietors of the Town of *Worcester*, desiring that this Court would recommend it to the Council that is appointed to decide their differences, that they meet at *Dedham* for their determining the same. Which was passed on in Council, *viz. August* 10th. 1722. In Council, Read and Ordered, That the Prayer of this Petition be granted.

Sent down for Concurrence. Read and Concurr'd.

Post Meridiem.

A Message by *Edmund Quincey* Esq; viz. Whether any thing has passed upon the Report of the Committee of both Houses relating to the Present to be sent the Five Nations, which was sent down this Morning?

Resolved, That the Sum of *l.*1 13*s.* be Allowed and Paid out of the Publick Treasury to *Luke Hitchcock* Esq; for his Travel and Expence in receiving the *l.*300 left in the Hands of *Wm. Pitkin* Esq; and paying the same into the Treasury, as by the Receipt he produced. Sent up for Concurrence.

Voted, That *Josiah Wolcott* Esq; go up to the Board, and Inquire, Whether they have any thing to send down, because this House has nothing lying before them?

Who Returned,

That His Excellency said, There was a thing of the greatest moment lying before us, which we had not passed upon, *viz.* the Report of the Committee of both Houses, about the Present to be sent to the Five Nations.

Then the said Report was Read again, And the Question being put,

Whether this House would Concur with the Board on that Report?

It pass'd in the Negative. And a New Vote drawn thereupon.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 11 die August 1722.

Paul Dudley Esq; brought down an Account of the Indians taken at *Lancaster, Dunstable, &c.* now in Prison with an Account of the Tribes they belong to, and their Circumstances, which was Read. And

Whereas sundry Indians have of late been taking up, and it appearing that several of them are Friend Indians, viz. *Isaac Seconto, Nawhanut, Kautosuck, Waymanaw, Tomigus, Christian, Toyawaw*, and *Chausaco.*

Voted, That those of them which belong to the *Maquois, Albany* & *Moheegs*, and are desirous to return, may have liberty to depart, and a Guard to attend

them, and bear their Expence to *Deerfield*. And as a Token of Friendship that a Blanket be given to those Eight Indians, and that Mr. *Jabez Fairbanks* be desired to take care that the Guns, &c. taken from them, and from *Cohoos* (who escaped) be restored to them. And that *Wm. Pawyees*, *Abraham* and *Francis*, *Penecook* Indians, with their Families be sent to the Castle and secured.

A Petition Signed *Henry Gibbs*, praying that a Committee may be appointed to divide and lay out his share in a Warehouse and Land left him by his Mother. With a Vote of Council thereon, *viz.* Read and *Ordered*, That the Petitioners part in the Houses and Lands mentioned in the Petition be set off and assigned to him in the same manner as was Ordered by this Court at their last Sessions for setting and assigning the parts and shares of Mr. *Henry Gibbs* of *Boston*, and Mr. *John Cotton* in the said Estate, and that the Judge of the Probate of Wills for the County of *Suffolk*, be impowred and directed accordingly.

Sent down for Concurrence. Read and Concurred. [6]

An Accompt Signed *Spencer Phipps*, amounting to *l.*10 for Expresses to several Captains, and for Subsisting 18 Men Ten days each &c. Read, and

Resolved, That the Sum of *l.*10 be allowed and Paid out of the Publick Treasury to *Spencer Phipps* Esq; in full discharge of the said Accompt.

Sent up for Concurrence.

An Accompt Signed *John Chandler*, amounting to *l.*3 17*s.* for Expresses and Subsisting 12 Men. Read, And

Resolved, That the Sum of *l.*3 17*s.* be Allowed and Paid out of the Publick Treasury to *John Chandler* Esq; in full discharge of the said Accompt.

Sent up for Concurrence.

Voted, That the several Petitions from the Inhabitants of *Lancaster*, *Leicester*, *Dunstable*, *Dracot* and *Cape-Porpus* be referred to the Committee for War.

An Accompt Signed *Pain Mayhew*, amounting. to *l.*6 9*s.* for Expresses and Billetting. Read, And

Resolved, That the Sum of *l.*6 9*s.* be Allowed and Paid out of the Publick Treasury to Mr. *Pain Mayhew* in full Discharge of said Accompt.

Sent up for Concurrence.

An Accompt Signed *Joseph Buckminster*, amounting to *l.*4 4*s.* for Billeting 12 Men 7 days, at 12*d.* per Day. Read, And

Resolved, That the Sum of *l.*4 4*s.* be Allowed and Paid out of the Publick Treasury to *Joseph Buckminster* Esq; in full discharge of said Accompt.

Sent up for Concurrence.

Thomas Hutchinson Esq; brought down the Vote of this House for sending hence the Indians belonging to *Albany*, &c. Passed on in Council, *viz.* Read and Concurred with an Amendment, viz. [instead of those words, be sent to the Castle &c.] the words, *be secured where they are now, till further Order.*

Sent down for Concurrence. Read and Concurred.

Edward Bromfield Esq; brought down the Vote of this House for sending the defective Powder to the Powder-Mill which was passed on in Council, *viz.* Read and Concurred, and that *William Tailer* and *Thomas Fitch* Esqrs; be added to the Committee of the House. Sent down for Concurrence.

Read and Concurred.

Jonathan Belcher Esqr; brought down the Report of the Committee of both Houses for Prosecuting the War against the Eastern Indians. Passed on in Council, viz. Read and Concurred, and Voted that His Excellency be desired to give his Orders accordingly. Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred.

Then the House Adjoured till Monday next Three a Clock Afternoon.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [7]

VOTES

Of the House of Representatives.

Lunæ 13 die August 1722.

AN *Bill for Encouraging the Prosecution of the Indian Enemy, &c.* Read a First Time.

A Memorial Signed *John Wheelwright* in behalf of the Town of *Wells*, praying that as they are much expos'd to the Enemy, they may have a Barrel of Gun-Powder, Ball and Flints Allowed to the Town. Read and Dismist.

A Memorial Signed *David Parsons* Minister of the Town of *Leicester*, praying that something may be Allowed out of the Publick Treasury for the Defence of the Inhabitants of said Town.

Read and Committed to the Committee for War.

A Memorial Signed by sundry Proprietors of *Rutland*, praying that some further Assistance, at least 40 Men may be added for the Defence of that Town.

Charles Frost Esq; brought down a further Report of the Committee, *viz.* The Committee for Prosecuting the War are further of Opinion, That His Excellency be desired to dispatch His Orders to the Government of *New-Hampshire* for the speedy detaching Seventy good and effective Men at least, to be sent to join the Forces now in the County of *York*, in prosecuting the Indian Rebels in the designed Expedition.

And that Thirty good and effective Men at least be detached out of One or more of the Regiments of the County of *Essex* for the aforesaid Service as His Excellency shall direct. *John Wheelwright* by Order of the Committee.

Passed on in Council, *viz.* In Council *August* 13th. 1722.

Read and Accepted, and Sent down for Concurrence.

Read and Concurred.

An Accompt Signed *Eleazer Tyng*, amounting to *l.*5 8*s.* for Billetting 12 Men.

Read, and

Resolved, That the Sum of *l.*5 8*s.* be Allowed and Paid out of the Publick Treasury to Mr. *Eleazer Tyng* in full discharge of the said Accompt.

Sent up for Concurrence.

An Accompt Signed *Enoch Coffin* Treasurer of *Dukes-County* for the Year 1721. was presented to the House. Read and Allowed.

Sent up for Concurrence.

A Petition Signed *Matthew Perkins* Jun. of *Ipswich*, praying that he may have liberty to Sell some Lands for his Support, and that he may be allowed liberty to justify himself from the Aspersions of *James Burnum* of said Town.

Read and

Ordered, That *James Burnum* be served with a Copy of this Petition, that he may be heard thereon (if he see cause) on the Third Tuesday of the Fall Sessions.

Sent up for Concurrence. [8]

An Account of sundry Necessaries for the War presented by the Treasurer to the Committee for Prosecuting the War, and by them Recommended, *viz.* The Committee for Prosecuting the War are of Opinion that these Stores are necessary to be sent to the Forces Eastward forthwith and that a Chaplain and a Chirurgeon be also procured to attend the aforesaid Forces.

John Wheelwright by Order of the Committee.

Read, Accepted, and Sent up for Concurrence.

A Petition Signed *John Gyles* Commander of Fort George at *Brunswick*, Praying That his Muster-Roll may now be examined by the Committee in order for his Pay, that his Arrears for Intelligence may be paid, and that he may be allowed a Captains pay. Read, and

Ordered, That Mr. *Clarke*, Mr. *Chambers*, Mr. *Dwight* and Capt. *Dyer* be a Committee to Examine the same, and make Report on the other parts of the Petition to morrow Morning.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 14 die August 1722

MR. Secretary brought down, *A Bill against Mutiny and Desertion.*

Read Three Times in Council and passed to be Engrossed.

Sent down for Concurrence. Read a first Time.

A Bill to Encourage the Prosecution of the Indian Enemy & Rebels.

Read a Second Time, And Debated on.

William Clarke from the Committee on Capt. *John Gyles* Muster-Roll, Reported, That they had Examined the same, and find it right Cast and Vouched by his Oath, That all the Persons named therein were in actual Service the time they are set down. And are of Opinion, That the Sum of *l.*265 7*s.* 2*d* be Allowed and Paid out of the Publick Treasury, to discharge the Wages due to the Officers and Soldiers in the said Roll, which was Read, Accepted,

And Sent up for Concurrence. Also

Resolved, That the Sum of *l.*41 19*s.* 10*d.* be Allowed and Paid out of the Publick Treasury to Capt. *John Gyles* in full Discharge of his Accompt of Disburstments, &c. to *June* 27. 1721. Sent up for Concurrence.

Resolved, That the Sum of *l.*57 17*s.* 9*d.* be Allowed and Paid out of the Publick Treasury to Capt. *John Gyles* in full discharge of his Second Accompt of Expence for Wood, Water, Bread, and for his trouble as Interpreter, in full discharge of said Accompt to *August* 1722. Sent up for Concurrence. And

Whereas Capt. John Gyles *has been Allowed Pay as an Interpreter to the Indians, besides his usual Allowance as Commander of the Fort* George, *which Pay now ceases by reason of the Indian War.*

Resolved, That the said Capt. *John Gyles* be allowed the Sum of 20*s*. per Week, as Captain of that Fort during the present Indian War.

Sent up for Concurrence.

Voted, That a Precept be sent to the Town of *Tiverton*, to Chuse another Representative in the room of Mr. *Gershom Woodel* sent home.

Post Meridiem.

A Petition Signed by *Charles Joslin*, *J. Wenslow*, *J. Alger*, & *W. Perry*, in behalf of the Inhabitants of *Shewamet*, praying that they may be either [9] joyned again to the Town of *Swanzey*, or have further Priviledges granted them. Read and Referred to the Fall Sessions, that the other Inhabitants of *Shewamet*, and the Town of *Swanzey* may be served with a Copy thereof.

Sent up for Concutrence.

Whereas oft-times when the Captain-Generals Orders for Detaching Men in the Country's Service reach the Colonels or Chief Officer of the Regiments, several of the Captains and other Officers to whom the several Colonels are obliged to send Warrants to Impress their Quota of Men, live at so great a distance from their Colonels, that the Orders cannot be seasonably dispatched without considerable Charge to the Province. And inasmuch as the Troopers in the several Regiments are freed from Impresses and other Military Duties that the Foot-Companies are obliged to. Wherefore,

Resolved, That when the Captain-General or Commander in Chief his Orders come to the Colonels or Chief Officers of the several Regiments within this Province, such Colonel or Chief Officer shall have Power to order and dispatch his Warrants to his several Officers, by one or more of the Troopers in his Regiment: And if any Trooper shall neglect or refuse such Service when Commanded, he shall forfeit and pay the Sum of *Twenty Shillings* for every such neglect, and be reduced to the Foot Service; the Penalty to be Recovered by Complaint or Information of the Clerk of such Colonel or Chief Officer, before any of his Majesty's Justices of the Peace in the County where such Neglect is, the one half, to the Informer, the other half to the Use of the Company, to be Employed in paying Dispatches in the aforesaid Service. Read *August* 14th.

Edward Bromfield Esq; brought down some Letters from Governour *Phillips*, which were Read, and sent up by *Luke Hitchcock* Esq; who was Ordered to Enquire whether the Board had pass'd on the Vote of this House for sending a Present to the Five Nations.

An Accompt Signed *John Appleton*, amounting to *l*.9 10*s*. for Subsisting of Men, 12 Men 12 Days, and 12 Men 2 Days each. Read, and

Resolved, That the Sum of *l.* 9 10*s.* be allowed and paid out of the Publick Treasury to Col. *John Appleton* in full Discharge of the said Accompt.

Sent up for Concurrence.

An Accompt Signed *Isaac Winslow*, amounting to *l.* 6 4*s.* for Dispatches, and Billetting 32 Men 2 Days each. Read, And

Resolved, That the Sum of *l.* 4 4*s.* be allowed and paid out of the Publick Treasury to Col. *Isaac Winslow*, in full Discharge of the above Accompt.

Sent up for Concurrence.

John Appleton Esq; brought down the Petition from *Shewamet*, passed on in Council with Amendment. And Sent down for Concurrence.

Read and Concurred.

Also a Petition Signed *Jacob Seknout* Complaining against *Jacob Haws* Esq; &c. which was passed on in Council, *viz.* Read and *Ordered*, That the Petitioner serve the adverse Party with a Copy of this Petition in order to his giving Answer thereto on the first Friday of the next Fall Sessions.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock. [10]

Mercurii 15 die August 1722.

A *Bill to Encourage the Prosecution of the Indian Enemy and Rebels.*

Read a Third time, And

Resolved, That the same do pass to be Engrossed.

Sent up for Concurrence.

A Bill for punishing Officers and Soldiers that shall Mutiny, and Desert His Majesty's Service. Read a Second Time.

Whereas this Province is now Engaged in a Bloody and Expensive War, with the Indian Enemy, and the Neighbouring Colonies of Connecticut *and* Rhode-Island *are concerned in the Consequences of it, and having formerly willingly Contributed towards the Support of the War with the Enemy.*

Voted, That there be One or more Commissioners appointed by this Court to go to the aforesaid Governments, to desire their Assistance in carrying on this present War against them. Sent up for Concurrence.

Thomas Fitch Esq; with Mr. Secretary, brought down the above Vote not passed upon in Council, because His Excellency produced the Ninety-Third Article of Instructions to Governour *Burnett* for Apportioning the several Provinces in case of a War. Which was Read, and Sent up with the Vote to be passed upon as usual.

Post Meridiem.

A Petition Signed *Isaac Morrel*, praying some Allowance for carrying a Letter to *Piscataqua* the last Year. Read and Dismist.

The Second and Third Report of the Committee for Prosecuting the War, were Read again, and Debated.

Voted, That Mr. *Tay* go up to the Board, and Enquire, Whether they may expect any thing to come down this Night? Who returned His Excellency said, they should have some Amendments come down by and by.

Nathanael Norden Esq; brought down the Bill to *Encourage the Prosecution of the Indian Enemy*, Read and Concurred in Council with Amendments, and

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland,
Printers to the Honourable House of Representatives. 1722. [11]

VOTES

Of the House of Representatives.

Jovis 16 die August 1722.

THe further Report of the Committee for Prosecuting the War, for sending 100 more Men into the County of *York* to be Posted in the Frontier Towns there, for further Security. Read, Accepted, and

Sent up for Concurrence.

An Accompt Signed *John Otis* Col. amounting to *l.* 3 10*s.* for Expresses and Expence in pressing Soldiers, *Anno* 1721 & 1722. Read, and

Resolved, That the Sum of *l.*1 10*s.* be allowed and paid out of the Publick Treasury to Col. *John Otis* in full Discharge of the said Accompt.

Sent up for Concurrence.

A Bill for punishing of Officers and Soldiers who shall Mutiny or Desert.

Read a Third time, And Non-concurred, *Nemine Contradicente.*

A Bill for putting the Inhabitants of the Frontier Towns into a Posture of Defence.

Read a 1st and 2d time.

Voted, That Mr. *Stoddard*, and Mr. *Dwight* go up to the Board to acquaint them the House intend not to rise till One of the Clock, and desire the Board would also sit till then, to expedite the most important Affairs before the Court, and that they ask for the Report of the Committee on the Western Frontiers.

Voted, That Mr. *Dyer* and Mr. *Tay* go up to the Board and Enquire, Whether they have passed on the Vote for sending a Present to the Five Nations, &c.

A Bill for putting the Inhabitants of the Frontier Towns within this Province into a Posture of Defence.

Read a third time, and Concurred with Amendments.

Samuel Sewall, *Penn Townsend* and *Edmund Quincey* Esqrs; with Mr. Secretary, brought down the Vote of this House for sending a Present to the Five Nations, passed on in Council, *viz. August* 16. Read and Unanimously Non-concurred. And a Message that the Board insist on their former Vote, *viz.* In Council *Aug.* 16. 1722. Read, and the Board having seen a Copy of His Majesty's Instructions to the Governour of *New-York*, whereby the Five Nations are put under the Protection and Direction of that Government, and finding that the former Treaties with the Five Nations have been had with the Concurrence of the Government of *New-York*, and always in the presence of the Governour and Commissioners by him appointed. And altho' in former Treaties, the Commissioners for this Government have endeavoured to bring those Nations into an Offensive Alliance, yet they never could prevail upon them any further than a Neutrality, for which reason the Board insist on their former Vote, and that an

Express be immediately sent to the Governour of *New-York* at *Albany*, to stop the Indians a few days longer there, that our Commissioners may meet them.

Sent down for Concurrence, *J. Willard*, Secr.

Voted, That the Sum of *l.*125 be allowed and paid out of the Publick Treasury to Capt. *Johnson Harman*, and the Company that were with him, and assisted in destroying so many of the Indian Enemy at *Merry-Meeting-Bay*, viz. *l.*25 to Capt. *Harman* for his Reward, and *l.*100 to be equally divided among the Men that assisted him in that Action. Sent up for Concurrence. [12]

Post Meridiem.

A Memorial Signed *Samuel Hinkes*, Capt. of *Fort-Mary*, praying that the Carriages may be mended, the Small Arms changed, and the Fort put into a Posture of Defence. Read and Dismist.

An Engrossed Bill, Intituled, *An Act to Encourage the Prosecution of the Indian Enemy.* Read, and

Resolved, That the Bill do pass to be Enacted.

An Engrossed Bill Entituled, *An Act for putting the Inhabitants of this Province into a Posture of Defence.* Read, and

Resolved, That the Bill do pass to be Enacted.

An Accompt Signed *Joseph Buckminster*, Capt. *Amsdel*, and Capt. *Willard*, a Committee appointed by His Excellency to state Garrisons in the Western Frontiers, amounting to *l.*4 17*s.* 7*d.* besides their Time. Read and Dismist.

Voted, That Mr. *Ward* go up to the Board, and Enquire, Whether they have any thing to send down this Evening, because this House has nothing lying before them. Who returned that the Board would send down presently.

John Appleton Esq; brought down a Report of the Committee for Securing the Western Frontiers, which was Read and Accepted (except the Last Article,) *Provided*, That where the Men posted in any of the afore-mentioned Towns are *Fifteen* or more in Number, they shall be under the Command of a suitable Person in Serjeants Pay, and those under that Number under such Person in Corporals Pay, and that His Excellency be desired to detach other Men and Post them accordingly, to be Appointed by the Chief Officer of the Regiment to which such Town belongs, who shall take his Instructions from, and render an Account to the said Chief Officer of all their Marchings, Scoutings, &c. In Order to their being transmitted to and Lodged in the Secretary's Offiee once every Month. And the said Chief Officer shall be Allowed and receive for his Service *l*3. per Month.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris 17 die August 1722.

A Message by *John Wheelwright* Esq; that the Board are desirous to know what has passed on the Bill against Mutiny and Desertion.

He was informed by Mr. *Speaker*, that the Bill was Non-concurred.

A Message by *Samuel Sewall*, *Addington Davenport* and *Edmund Quincey* Esqrs; to Inform the House that there was formerly a Law passed against Mutiny, and Desertion, and that it is now as needful, and desire that the House would reconsider it.

The Persons that gave in their Evidences against Major *Moodey* were admitted into the House, and gave Oath to their Evidences, *viz. John Young*, *Hugh Minery*, *Moses Harper*, *Thomas Rogers*, *Robert Lethgo*, *William Thomas* and *Jonathan Hilton*, gave in their Evidences. Also Mr. *Samuel Bucknam* Representative of *Malden*, and Mr. *Dominicus Jordan* Representative of *Falmouth* gave in their Declarations. [13]

Upon hearing and Examining the several Informations upon Oath, &c. against Major *Samuel Moodey*, for Allowing and Indulging his Soldiers in excessive Drinking and Intemperance, denying Assistance to the Inhabitants, when demanded, and not keeping a good Watch in the Night Season.

Voted, That His Excellency be Earnestly desired forthwith to Suspend Major *Samuel Moodey* from the Service of this Province, and that he be directed to attend this Court on the first Friday of the Fall Sessions to answer the said Complaints. Sent up for Concurrence.

Post Meridiem.

A Memorial of the Soldiers under Capt. *John Gyles*, desiring that their Pay may be raised, &c. Read and Dismist.

An Accompt Signed *Joseph Buckminster*, amounting to *l.*5 5*s.* for Expresses and Billetting Men. Read.

Whereas Elisha Searles *was some time last War taken by the Indian Enemy from his Fathers House in the County of Hampshire, and carried Captive to Canada, where he hath remained ever since, and is now come into this Province.*

Voted, That the Sum of *l.* 10 be allowed and paid him out of the Publick Treasury to engage him to abide here, and not return to the French. And that His Excellency be desired to retain him in the Publick Service of the Government, as a Serjeant at the Garrison of *Deerfield* or *Northfield*.

Sent up for Concurrence.

William Tailer, *John Cushing* and *Nathanael Norden* Esq; brought down the following Resolve, *viz.* In Council *August* 17th. 1722. The Board being advised of a Popish Plot against His Majesty, happily discovered and defeated. And

taking into Consideration the Circumstances of the Province with respect to the present War against the Indian Enemy and Rebels, and the Governour of *Canada's* assisting them in their Hostilities, and other matters of Importance to this Government.

Resolved, That an Humble Address be prepared to be presented to His Majesty in the Name of this Court upon the several Articles before mentioned, and that the Draught of such Address be forthwith laid before this Court for their Approbation. And that Col. *Townsend*, Col. *Otis*, and Col. *Thaxter* with such as the Honourable House of Representatives shall appoint, be a Committee to prepare the said Draught accordingly. Sent down for Concurrence. Read.

A Memorial Signed *John Leverett* and Company, with the Offer of their House built on St. *Georges*-River, provided the Province would place some Soldiers there to secure the same, and to annoy the Enemy,) was presented. Read, and

Voted, That His Excellency be desired to give his Orders for Posting 25 Men under Command of an Officer in said Place for Defence of said House, &c. until the Sessions of this Court in *May* next. Sent up for Concurrence.

Jonathan Belcher Esq; brought down the Vote of this House against Major *Moodey*, Non-concurred in Council, and a New Vote drawn thereon, *viz.* In Council, *August* 17*th.* 1722. Upon Reading the several Informations against Major *Samuel Moodey*. *Voted*, That the [14] said Major *Moodey* attend this Court on the First Friday of the next Fall Sessions to Answer the same. And that His Excellency be desired to give Orders accordingly, and that Major *Moodey* be served with a Copy of this Vote, and Copy of the Informations (if he see cause.) Sent down for Concurrence, *J. Willard*, Secr.

Read and Non-concurred, and the House insist on their former Vote.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 18 die August 1722.

Voted, That Mr. *Chandler* go up to His Excellency, and desire that he will favour the House with a sight of his Letters by Capt. *Westbrook*.

John Wheelwright Esq; brought down the Report of the Committee for Securing the Western Frontiers. Passed on in Council with Amendments,

And Sent down for Concurrence.

Read and Concurred with further Amendments.

And Sent up for Concurrence.

Mr. Secretary brought down the following Message, *viz.*

GENTLEMEN,

I Observe your Message with the Papers relating to Major Moodey, *and cannot but be surprized that Affidavits should be taken against an Officer, he not being present, which I think is contrary to the Liberty of an English Man. But what most*

suprizes me is, That the House should desire me to do so high a piece of Injustiee as to suspend Major Moodey, *when he was never heard. However I shall take care that this Affair shall be inquired into in it's proper Season.* S. SHUTE.

August 18*th.* 1722.

A Message by *Nath. Paine* Esq; *viz.* Whether the House had done any thing on the Vote sent down for Addressing His Majesty, and that if they could not finish this Morning, the Board were willing to meet at Three a Clock in the Afternoon.

Thomas Fitch Esq; brought down the following Vote, *viz.* In Council *Aug.* 18. 1722. Information being given that several Fishing Vessels belonging to this Province have been lately taken by the Indians on the Coast of *Cape-Sables*, and several of their Men taken Prisoners. And Capt. *Durell* proposing (in case Two Shallops be fitted out by the Government) to Man and Victual the same, and supply the Men with Ammunition without further Charge to this Government, out of His Majesty's Ship Sea-Horse, in order to recover the Vessels and Men. Read and *Ordered*, That Two suitable Shallops be forthwith taken up for that Service, and that His Excellency be desired to give out His Warrant accordingly.

Sent down for Concurrence. Read and Concurred.

In the House of Representatives.

May it please Your Excellency,

THIS House taking into mature Consideration Your Excellency's Message respecting Major Moodey, *are exceedingly concerned that Your Excellency should pass so severe and groundless an Animadversion on that Vote, for we* [15] *cannot conceive the Caption of those Affidavits could operate to the hurt or prejudice of Major* Moodey *in his Name or Estate, they being taken only to ground a Process against him, and that he might have a Day assigned at the next Sessions to answer the same, and clear up his Reputation on that point, if so he could. And it is the Usage and Practice of Justices of the Peace oft-times to take Affidavits against Persons in order to issue out Warrants for the Apprehending the Persons complained of, but they not present. And what was done in the like Case respecting Col.* Goffe, *at the last March Sessions, and then Approved of by Your Excellency, and not deemed contrary to the Liberty of an Englishman.*

Had this House conceived that their desiring Your Excellency to suspend Major Moodey, *and Your own coming into it had thereby done a high piece of Injustice, it is what they would have abhorred and detested, but what they then Entreated of Your Excellency was nothing but what they had good Reason to expect Your Excellency's ready compliance therewith; And still are of Opinion that it will be to the Dishonour of this Government, and greatly disserve the Good Designs now on Foot respecting the Indian Rebels, for him to be continued in Post till that matter be determined.*

Sent up by Mr. *Chambers*, Mr. *Goram*, Mr. *White*, Mr. *Clarke*, and Mr. *Little*.

An Accompt Signed *Richard Hall*, amounting to *l.*8 13*s.* 10*d.* for Charges of the Committees of both Houses. Read, and

Resolved, That the Sum of *l.*8 13*s.* 10*d.* be allowed and paid out of the Publick Treasury to Mr. *Richard Hall* in full discharge of said Accompt.

Sent up for Concurrence.

In the House of Representatives.

Resolved, That the Treasurer be directed to purchase a sufficient Quantity of Cloaths and all necessary Slops for the Forces in the Service of this Government, and send them to the Persons that he shall appoint to supply the Souldiers therewith, with an Invoice of the true Value of the Goods sent, a Copy of such Invoice to be Posted up at the Garrison-Gate, or some other Publick Place, where the Soldiers are Posted; and the said Persons shall furnish and supply the Soldiers with any Necessaries they may want at the Prizes of said Goods at which they were purchas'd by the Treasurer, and shall not demand of them any more than the Prime Cost. And that no Person or Persons other than such as the Treasurer shall Appoint shall presume to Sell, Bartar, Exchange, or Supply any Soldier in the Service of this Government, with Cloathing, Liquors, or any Slops, on the Penalty of forfeiting the Sum of *One Hundred Pounds*, to be Recovered by Bill, Plaint or Information in any Courts of Record, by any Person or Persons that shall Inform and Sue for the same, the one half of said Fine to and for the Use of this Government, the other half to him or them that shall inform and Sue for the same. Sent up for Concurrence.

Whereas this House is informed of divers corrupt Managements used and practised by some of the Officers of the Forces in Pay, tending to the great hurt of this Government, and discouragement of the Men sent into the Service. [16]

For preventing the same for the Future:

Resolved, That if any Officer presume directly or indirectly to Exchange, Sell or Dispose of any Man or Men under his Command, without special leave first obtained from the Captain-General, and be Convict thereof, such Officer shall forfeit all the Pay then due to him, and be render'd uncapable of sustaining any Post in the Service of this Government.

Resolved, That none of the Inhabitants of the Frontier Towns and Places where any of the Forces are Posted, be allowed to Inlist in the room of any of the detached Forces. And if any Officer shall receive and bear upon the Roll any such Person, he shall forfeit his own Wages and pay double the Value of the Wages due to the Person or Persons so wrongfully retained in the Service, to be recovered and disposed of, one half of such Forfeiture to and for His Majesty, to be employed for the Use of this Government, the other half to and for the Informer.

And whereas there are several Scouts Ordered by this Court to be performed, who

are to return Journals of their Proceedings to His Excellency the Governour, and also to the Secretary's Office.

Resolved, That no Officer sent out upon any Scout or March shall receive any pay for himself, unless such Journals be by him given in as aforesaid, and returned as aforesaid. Sent up for Concurrence.

An Accompt Signed *John Otis*, Col. amounting to *l.*10 for Billetting 24 Men. Read, and

Resolved, That the Sum of *l.*10 be allowed and paid out of the Publick Treasury to Col. *John Otis*, in full discharge of said Accompt.

Sent up for Concurrence.

An Accompt Signed *Joseph Buckminster*, amounting to *l.*4 10*s.* for Billetting 20 Men. Read, and

Resolved, That the Sum of *l.*4 10*s.* be allowed and paid out of the Publick Treasury to Col. *Joseph Buckminster*, in full discharge of the said Accompt.

Sent up for Concurrence.

An Accompt Signed *Eleazer Flagg*, amounting to *l.*7 12*s.* for Subsisting the Indians seized and sent down to *Boston*, and their Guard. Read, and

Resolved, That the Sum of *l.*7 12*s.* be allowed and paid out of the Publick Treasury to Col. *Eleazer Flagg*, in full discharge of said Accompt.

Sent up for Concurrence.

Post Meridiem.

An Accompt Signed *William Tailer*, Chair-Man of the Committee for fitting out the Ship Flying-Horse, *Peter Papillion* Commander, amounting to *l*240 16*s.* Read, and

Resolved, That the Sum of *l.*240 16*s.* be allowed and paid out of the Publick Treasury to the several Merchants and Tradesmen according to their Accompts mentioned therein, in full of the said Sum.

Sent up for Concurrence. [17]

Voted, That the Committee that were appointed to fit out the Ship Flying-Horse, be directed and impowered to demand, receive and recover of Capt. *Peter Papillion* the Stores and Furniture advanced by the Province for fitting out his Ship Flying-Horse, and to return the same into the Treasury.

Sent up for Concurrence.

Spencer Phipps Esq; brought down the Report of the Committee of both Houses for securing the Western Frontiers, passed on again in Council with further Amendments. And Sent down for Concurrence.

Read and Non-concurred, *Nemine Contradicente.*

And *Voted*, That the House Adhere to their former Amendment.

Sent up for Concurrence.

Voted, That Mr. *Tay* go up to His Excellency to desire, That the House may have the perusal of the Letter sent Him from the Indians per Capt. *Westbrook*.

Which was brought down and Read.

In the House of Representatives.

Resolved, That Capt. *William Throop* late Commissioner of Excise for the County of *Bristol*, be Authorized and Impowered to Sue for the Excise that remains due to the Province during his continuance in that Office, notwithstanding his Time be now Expired. Sent up for Concurrence.

Voted, That Mr. *Chandler*, Mr. *Chambers*, & Mr. *Knoulton*, go up to His Excellency, and Inform that the House are desirous to meet on Monday next, there being several Matters of Moment not yet finished.

Who returned, That His Excellency said, The House should not sit longer than this Night.

Voted, That a Message be sent up to the Honourable Board to Enquire, Whether all the Votes, Acts and Resolves passed this House and sent up for Concurrence, be passed upon by them: And further to desire that they may be passed upon before the Court riseth. Sent up.

Voted, That a Message be sent to His Excellency the Governour to Enquire, Whether all the Votes and Resolves passed both Houses be passed upon by His Excellency. Sent up.

Voted, That a Message be sent to His Excellency to Acquaint him, it is the Opinion of this House, That it is not for the Interest of this Province, That Major *Samuel Moodey* be further continued in the Service thereof, and that therefore His Excellency be desired to dismiss him.

Whereas this House have Endeavoured that Major Samuel Moodey *might be Suspended from his Post in the Command of the Forces Eastward till he hath cleared up his Reputation in the several Articles he is Charged with; which hath not been Complyed with. Therefore*

Resolved, That Major *Samuel Moodey* shall not receive any Pay out of the Publick Treasury for future Service, till he hath answered the several Complaints Exhibited against him. And that he be served with a Copy of this Vote. [18]

John Otis and *Addington Davenport* Esqrs; brought down the Report of the Committee for Securing the Western Frontiers, further passed on in Council with Amendment, *viz.* That the General Court on their Request may have the perusal of the Accounts sent to the Secretaries Office from the Frontiers.

Sent down for Concurrence.

Read and Non-concurred, and the House insist on their former Vote.

Sent up for Concurrence.

A Message by **John Wheelwright** and **Thomas Fitch** Esqrs; with Mr. **Secretary**, viz. That it is His Excellency's Pleasure that this Great and General

Court be Prorogued to Wednesday the Fourteenth Day of November next, at Nine of the Clock in the Forenoon. And it is accordingly Prorogued.

BOSTON: Printed by Bartholomew Green and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722.

Anno Regni Regis GEORGIJ, nunc Magnæ Britanniæ, &c Nono.

JOURNAL

OF THE HOUSE OF Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the Massachusetts-Bay in New-England; Begun and Held at Boston on Wednesday May, 30th. 1722. And continued by several Prorogations to the 15th of November following, and then Met.

A Message by Mr. Secretary that His Excellency expects this Honourable House forthwith to attend Him in the Council Chamber.

Accordingly Mr. Speaker with the House went up to the Council Chamber, and His Excellency made a Speech to them, of which Mr. Speaker obtained a Copy, and returned with the House to their own Chamber where it was read: And is as follows,

GENTLEMEN,

I *Have received Advice by the last Ships, that the Copies of Monsieur* Vaudrevil's *Letters have been laid before His Majesty, and I make no doubt but that effectual Care will be taken to prevent the French Governours for the future, from assisting the* Eastern Indians, *which will very much contribute to the shortning the present Expensive War; For which end also, I assure you my best endeavours shall not be wanting.*

Since our last Sessions, Delegates from the Six Nations are arrived in this Province, the Message they were sent upon, was to speak with the Eastern Indians, *and to demand why they had so ill treated their Brethren the* English; *Upon which I did by the advice of the Council, appoint Col.* Tailer, *Mr. Secretary* Willard, *and Col.* Stoddard, *to go to the Eastward with them, only to be Witnesses of what might pass at that Interview, as also to prevent the Delegates, from being Imposed upon, by any false Suggestion of* Ralle *the Jesuit, or the Indians. I also gave Orders, that all the Treaties that have been made with the* Indians, *should be carryed with them, as also the Original Deeds of our purchased Lands, that they should be Read and Explained, that so all things might appear to the Delegates, of the Six Nations, in a proper and clear Light. After their arrival at* Casco Bay, *one of the Delegates with some Persons to accompany him, went to* Norridgawock, *and staid four Days, where no Indians were to be found. Since the Return of the Delegates, I have had some Conferences with them in Council, which Papers, as also an Insolent Letter, which was found affixed to the Church at*

Norridgawock, *written by* Ralle *the Jesuit, shall when the House of Representatives desire, be laid before them.*

Gentlemen of the House of Representatives,

The Forces Desert in numbers, if the same Methods that were taken the last War are not made use of in this, to prevent Desertion and Mutiny, you must expect little or no Service from them; I must also upon this head Remark to you, that this is what the wisest Nations come into whenever they are engaged in a War. [2]

I have nothing more to Recommend to you, but the enlarging the Fort at Richmond, *and building another at* Cushnock, *which, tho' the Expence will be but inconsiderable, yet will very much annoy the* Indians, *and prove of Great Service to the Forces when any March shall be made towards their head Quarters, or any other parts of the Eastern Country.*

Mr. Speaker informed the House, That he had received a Letter from Mr. *Jer. Dummer*, to be communicated to the House, dated *Middle-Temple, Sept.* 5. 1722. Which was read.

A Petition signed *William Ward, Philip White*, and 4 other Inhabitants of the South part of *Newton*, in the County of *Middlesex*, Informing the House, That they were committed to Goal in *Cambridge* for not paying to the Ministers-Rate at *Newton*, (from which they were exempted by the General Court) and praying for redress. Read, and

Mr. *Ebenezer Stone* Representative of *Newton* desiring that his Town might be served with a Copy of said Petition.

Ordered, That the said Petition ly on the Table till Tuesday Seven-night that the Inhabitants of *Newton* may have time to prepare an answer.

A Petition signed *Hugh Pike*, praying some further Allowance from this Court for his Wound formerly received in the Service, for the reasons therein given.

Read.

A Petition signed by sundry Inhabitants of *Concord, Sudbury* and *Stow*, praying that they may have liberty to purchase from the *Indians* some part of their Lands at *Hasanamisco.* Read.

And the Copy of the General Courts Grant of said Land to the *Indians;* And the *Indians* desire that they may have liberty to Sell the same.

Read and referred till to Morrow Morning.

Ordered, That Mr. Treasurer *Allen* be directed forthwith to lay before the House, an Accompt of the Charges of prosecuting the War since the last Sessions; and an account of the number of Forces in the Service of the Province; and that Mr. *Clarke* inform him of it.

Then the House adjourned till to Morrow Morning 9 a Clock.

Veneris 16. die Novembris, 1722.

A Petition signed *David Fay, Jonathan How*, and 25 others, praying that they may have liberty to purchase the *Indians* Land at *Hasanamisco:* Whereupon the House entred into debate, Whether the *Indians* should have liberty to Sell the said Lands, and the Question being put.

It pass'd in the Negative.

Then the Question was put, *Whether the Petition from the Inhabitants of* Sudbury, Concord *and* Stow, *Read Yesterday and referred to this Morning, be further considered and accepted?* It pass'd in the Negative.

Then the Question was put, *Whether the above Petition signed by* David Fay, *&c. be granted?* It pass'd in the Negative.

The Precept sent to the Town of *Tiverton*, on the 14th of *August* last, to choose a Representative was returned by Mr. *Thomas Manchester*, who was chosen; and accordingly sent up to the Board to take the Oaths.

A Petition signed *Martha Gray* Widow, praying some consideration for the loss of her Husband, a Souldier in the Eastern parts. Read and Committed.

Ordered, That Mr. *Chandler* and Mr. *Quincey* wait on His Excellency the Governour, to desire a perusal of those Letters and other Papers mentioned in His Speech. [3]

According to the leave of the House, *Elisha Cooke* Esq; brought in a Bill Intituled, *An Act for altering the Time for holding the Court of General Sessions of the Peace for the County of* Suffolk *in* Boston. Which he Read in his place, & then delivered at the Board. Read a 1st time.

Mr. Treasurer *Allen* was admitted into the House and presented an Accompt of the state of the Treasury since the last Sessions; And an accompt of ragged and torn Bills to be burnt; And an accompt of Provisions bought: And an accompt of Slops bought: And desired that a Committee might be appointed to burn the said Bills, and to Audit his Accompts, and with-drew.

Ordered, That Mr. *William Clarke, Cha. Chambers, John Wainwright, William Dudley* Esqrs; with Mr. *John Dyer* be a Committee to examine the said Accompts: And further, That they be a Committee with such as the Honourable Board shall Nominate, to take an account of the Torn and defaced Bills lying in the Treasury, of the Number of each sort of Bills, with the whole Sum: To give the Treasurer a Receipt for them, burn the said Bills to Ashes, and make a report of their doings to this Court.

Thomas Hutchinson and *Spencer Phipps* Esqrs; brought down the Papers mentioned in His Excellency's Speech, also the Councils Treaty with the Delegates of the Six Nations, and the following Vote of Council thereon: *viz. Novemb.* 16th. 1722.

Whereas the Delegates of the Six Nations have desired that His Excellency or

Commissioners from this Government would meet the Six Nations at *Albany:* And that *Abraham* and *William Paugas* Indians, taken at *Merrimack* River, with their Families be delivered to them, to whom they suggest the said Indians do belong, and for whose good behavour they will undertake:

And the Meeting of the Assembly being so near, the Board thought proper to refer those Matters to the consideration of the whole Court, and therefore desire that the Honourable House would speedily enter upon the same that so the Delegates may be dispatched as soon as may be. *J. Willard* Secr.

A Petition signed *Elizabeth Smith*, praying Allowance for keeping *Ovid Rushworth* and *John Blin.* Read and Committed.

Post Meridiem.

A Petition signed *John Scheyler* of *Albany* (shewing that he had recovered Nine of our Captives from the *Indians* at *Canada*, *Anno* 1713. and expended *l.* 50. on them for their necessities) praying some Allowance for the same.

Read and Committed.

The House proceeded to consider the Vote of Council referring to the Delegates of Six Nations, sent down this Morning. And

Resolved, That Mr. *Dudley*, Mr. *Cooke*, Mr. *Stoddard*, Mr. *Remington*, and Mr. *Fullam* be a Committee of this House, to joyn with such as the Honourable Board shall appoint, to consider the subject Matter of the Message from the Council relating to the Delegates of the Six Nations, the Committee to set forthwith.

Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Sabbati 17. die Novembris, 1722.

A Petition signed *Riche* and *Robert Love*, presented the last Sessions, and referred, was read again and Committed.

A Bill *for altering the Time for holding the Court of General Sessions of the Peace for the County of* Suffolk *at* Boston. Read a 2d time.

A Petition signed *Jeremiah Belcher*, presented the last Sessions, and referred, was read again, and Ordered that the prayer of the Petition be granted.

Sent up for Concurrence. [4]

Ordered, That a Precept be sent to the Town of *Groton*, to choose a Representative in the room of Capt. *John Shepley*, who since his Election is an Officer in the Service, and to make their Return on Tuesday Seven-night.

Ordered, That a Precept be sent to the Town of *Dracot*, to choose a Representa-

tive in the room of Maj. *Joseph Vernam*, who since his Election is an Officer in the Service, and to make their Return thereon on Tuesday Seven-night.

An Accompt signed *Nathan Hale*, amounting to *l.* 10 1 *s.* 0. for looking after *James Taylor*, presented the last Sessions, and referred to this Session.

Read again and dismist.

Ordered, That Mr. *Johnson* go up to the Board and inquire what is passed on the Bill *for Regulating Town-Meetings.*

Ordered, That Mr. *Tay* and Mr. *Clarke* wait on the Reverend Mr. *John Webb*, and return him the Thanks of this House for his Sermon Preached the last Thursday, and to desire a Copy of the same for the Press.

A Petition signed by 27 Inhabitants of *Taunton, North-Purchase*, presented the last Session and referred to this, praying that they may be made a Town-ship, *&c.*

Read again.

In the House of Representatives.

Novemb. 17*th.* 1722.

Whereas His Excellency at the Opening of this present Session was pleased in His Speech to inform this House, "That the Forces desert in Numbers: And whereas several Complaints have been made of great Abuses practised by Officers in the Service and Pay of this Government:

Resolved, That *John Wainwright* Esq; Messieurs *Samuel Little*, and *Dominicus Jordan* be immediately dispatched to the Eastern Frontiers and repair to the head Quarters' where the Forces are posted, and demand of the Commanding Officers there, That they forthwith Muster the several Companies under their Command, in order to take an exact List of the Men that shall appear on such Muster; and also that they take an account of what Souldiers have deserted the Service of the Province, how many out of each Company, when they deserted, and to what Places they belong. Also to take a List of the absent Men born on the Muster-Roll, Whether upon Furlow or Dismissed by their Officers, what Roll such Men are born upon, Out of what Regiment and Town they were Impressed; And to make a strict inquiry, Whether any of the Inhabitants of the County of *York* are on any Muster-Roll in their room or exchange of any other Men that have been Impressed or Inlisted into the Service; how many in what Company, and in the room of Souldiers they have been released or exchanged, as aforesaid, and make return of their proceedings thereof unto this House as soon as may be.

And whereas this House have been informed of Repeated Abuses and Mismanagements among the Forces now in pay, tending to the dishonour and damage of the Government, and are desirous to use all proper and suitable Methods for the full discovery thereof, and to effect the same, Have sent a Committee from the House to inquire into those rumours, and report how they find things: We the Representatives do most earnestly desire Your Excellency's Orders by the said Committee to the

Commanding Officer, and all others in Command there, to pay all proper deference to the Vote and Order of this House respecting that Matter. Sent by Mr. *Menzeis*, Mr. *Sparr*, Mr. *Dyer*.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [5]

VOTES

Of the House of Representatives.

Lunæ 19. die Novembris 1722.

Post Meridiem.

A Bill *for altering the Time for holding the Court of General Sessions of the Peace for the County of* Suffolk *at* Boston Read a 3d time.
And Resolved that the Bill do pass to be Engrossed.
Sent up for Concurrence.

A Petition signed by the Souldiers at *Castle William*, praying that their Wages may be advanced. Read and Committed to the Committee for Petitions who are desired to look into the establishment of that Garrison, and make their Report thereon.

An Accompt signed *Samuel Gookin* jun. Keeper of the Prison in *Cambridge*, amounting to *l.* 62 7 6. for keeping the Indian Hostages.
Read and Committed.

An Accompt signed *Israel Tupper*, amounting to *l.* 5 1 6. for his time and expence in procuring Whale-boats for the Service. Read and

Resolved, That the Sum of *l.* 5 1 6. be allowed & paid out of the Publick Treasury in full discharge of said Accompt. Sent up for Concurrence.

Mr. *Clarke* from the Committee appointed to build a Barge for the Castle, presented the Accompt, amounting to *l.* 69 13 2. Read and

Resolved, That the Sum of *l.* 69 13 2. be allowed and paid out of the Publick Treasury to *Jonathan Dowse* Esq; and Mr. *William Clarke*, to discharge the said Accompt. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock.

Martis 20. die Novembris, 1722.

Whereas His Excellency at the Opening of this present Session was pleased in His Speech to inform this House, "That the Forces desert in Numbers: And whereas several Complaints have been made of great Abuses practised by Officers in the Service and pay of this Government:

Resolved, That Mr. *Edward White* and *John Quincey* Esq; be immediately dispatched to the Western Frontiers, and repair to those Quarters where the Forces are posted and demand of the Officers in Command there, That they forthwith Muster the several Companies under their Command, in order to take

an exact List of the Men that shall appear on such Muster; and also take an account of what Souldiers have deserted the Service of the Province, How many out of each Company, When they deserted, and to what Place such deserters belong: Also to take a List of the absent Men born on any Muster-Roll, Whether absent upon Furlow or dismissed by their Officer; What Roll such Men are born upon, Out of what Regiment or Town they were Impressed; and to make strict inquiry whether any of the Inhabitants of the Towns are on any Muster Roll in the room or exchange of any other Men, in what Company, and in the room of what Souldiers they have been released or exchanged, as aforesaid, and make return of their proceedings to the House as soon as may be. And that at every Place they take an exact List of the Names of the Souldiers Attested by the Officer, as they were first committed to his charge. [6]

In the House of Representatives.

Whereas this House have been informed of Repeated Abuses and Mismanagements among the Forces now in pay, tending greatly to the dishonour and damage of the Government, and are desirous to use all proper and suitable Methods for the full discovery thereof, and to effect the same, Have sent a Committee from the House to inquire into those rumours, and report how they find things: We the Representatives do most earnestly desire Your Excellency's Orders to the said Committee to the Commanding Officer and others in the Western Frontiers to pay all proper deference to the Vote and Order of this House respecting that Matter.

Sent by Mr. *Fullam*, Mr. *Chambers*, and Mr. *Remington*.

Whereas a great Number of Souldiers are posted in the Western Frontiers which in the Winter Season are not so much wanted to secure the Inhabitants in their necessary business:

Resolved, That Forty Men only of the One hundred & eight in the County of *Hampshire* be Retained in the Service, and Posted at *Northfield* and *Deerfield* for a Scout up the Country, and Defence of the Inhabitants in those Parts. And that Thirty Souldiers of the One hundred and ninety one in the Countys of *Middlesex* and *Essex*, be also Retained in the Publick Service and Posted at *Dunstable* and *Dracutt* for the Defence of those Frontiers, and a Scout into the Country: And that His Excellency be Desired to Express His Orders by the Committee of the House to Discharge them accordingly.

Ordered, That Mr. *Chandler* go up to the Board & enquire, Whether they have passed upon the Report of the Committee of both Houses to consider the proposals of the Six Nations: Who returned, That nothing was done.

Ordered, That Mr. *Stone*, Mr. *Clarke*, Mr. *White*, Mr. *Spurr*, and Mr. *Austin* go up to the Board and desire they would pass upon the Report of the said Committee as soon as may be, because the Delegates of those Nations are very uneasy at their long stay, and the House are very desirous that they may be dispatched.

Mr. *Cooke* from the Committee of Petitions Reported on the Petition of Col. *Schyler*, That they were of Opinion that the Sum of *l.* 75. be allowed and paid to him out of the Publick Treasury, in consideration of his Subsisting and Supporting the Captives formerly recovered from the Enemy, as set forth in the Petition. Sent up for Concurrence.

Samuel Partridge Esq; brought down the Petitions of the South part of *Weymouth* passed on in Council, *viz. Novemb.* 20. 1722. Read and Ordered, That the Petitioners be set off a distinct and separate Precinct, and have the powers and privileges by Law allowed to Precincts; and that the divisional Line begin at the borders of *Hingham*, and run by Lieut. *Enoch Lovells* Land, and so a little Southward of *John Blanchard's* Land adjoyning to the middle Road, and so continue to *Brantree* thro' a piece of Common-land between the Land of Lieut. *Joseph Nash* and *Zechariah Gurney*. Provided that *John Bear* and *Samuel Ward* with their Families and Estates be Taxed to the North Precinct (if they continue to desire it.) Provided also the Town of *Weymouth* do at sometime before the Sessions of this Court in *May* next agree upon having One Meeting-house for the whole Town, and to be placed in such part of the said Town, as shall be judged most convenient by a Committee of the General Court to be appointed for that purpose: the Charge of the Committe to be paid by the Town.

Sent down for Concurrence. *J. Willard* Secr.

Read and Concurred.

Post Meridiem.

An Accompt signed *Nathaniel Pain* Treasurer of the County of *Bristol*, *Anno* 1721. and 1722. Read and Ordered to ly upon the Table.

Samuel Partridge Esq; brought down the Report of the Committee of both Houses on *Watertown* Petition. [7]

PUrsuant to the Order of the General Court at their Sessions in *May* last, the Committee repaired to *Watertown* the 27th. of *July* following, having Cited both Parties Petitioning, together with Mr. *Robert Sturgeon*, to appear at the Time and Place of Meeting, when and where they that stile themselves Proprietors of the Middle Meeting-House, laid before us a Memorial asserting the same.

Having heard and considered what both Parties had to say, The Committee are humbly of Opinion that in as much as there is a Commodious Meeting-House newly erected and finished in the Westerly Part of *Watertown* in stead of the said Middle Meeting-house agreable to the Order of the General Court in *Novemb.* 1720. That the aforesaid Middle Meeting-house be demolished within the space of Six Weeks; and in case of neglect thereof, That the Sheriff of the County of *Middlesex* be directed and impowred conveniently to Effect the same, and pay himself out of the Timber, and other Materials.

And forasmuch as it would tend to restore Peace and good Agreement in the Town of *Watertown*, to have the Eastern Meeting-house speedily removed to, or a New Meeting-house built in the said Town at School house Hill, according to the Advice of the Council of Churches, *Feb.* 27. 1721, 2. The Committee are humbly of Opinion, That it be therefore Accomplished within the space of Twelves Months at furthest.

And although the Middle Meeting-house was built on the Town's Land; yet if any Persons do make out a particular Right therein by themselves, or Ancestors; That they be duely and Equally paid therefor by the said Town.

As for Mr. *Robert Sturgeon*, he exhibiting a Writing under his hand the Reasons why he was Ordained at *Boston*, and afterwards installed at *Watertown* in the way and manner he was, and why he continues Preaching there; Which reasons are in our Opinion altogether insufficient to justify his extravagant proceedings, which if Countenanced would inevitably promote the ruine and subversion of these Churches, *and the Christian Religion.*

And whereas the said Mr. Sturgeon, *in defiance of two Councils of Churches, and in Contempt of the Order of the General Court, is so hardy as to go on to disturb the Town in Preaching there:* The Committee are of Opinion that the Attorney General be directed to prosecute the said *Sturgeon* for this his Contempt at the next Court of the General Sessions of the Peace for the County of *Middlesex* to be held at *Concord the Last Tuesday of this Month;* and at other Courts as there may be occasion.

All which is humbly submitted, *Samuel Sewall*,
In the Name and by the Order of the Committee.

In Council *August* 18th. 1722. Read and Referred to the next Sessions.
In Council *Novemb.* 20. 1722. Read and Accepted.
Sent down for Concurrence. *J. Willard*, Secr.

In the House of Representatives, *Nov.* 20. 1722.
Read and Concurred with Amendments.
Sent up for Concurrence.

A Petition signed *John Gore* of *Roxbury*, praying liberty to be an Innholder in the said Town, with a Vote of Council thereon. *viz.* In Council, *Novemb.* 20, 1722.

Read and Ordered that the Justices of the Peace for the County of *Suffolk* be directed at their next Sessions, to enquire iuto the subject matter of this Petition, and be impowred to grant the Petitioner a Licence to keep a Publick House, if they judge it proper and necessary. Sent down for Concurrence.
J. Willard, Secr.

Read and Nonconcurred.

Ordered, That Mr. *Menzeis*, Mr. *Fullam*, Mr. *Dyer* go up to the Board and enquire whether they have passed on the Report of the Committee of both Houses about the Six Delegates of Indians. Who returned that the Governour said they had passed on it.

A Message by *John Appleton* Esq; That the Board desire the House would not break up because the Board had something to send down. [8]

Edmund Quincey and *Samuel Thaxter* Esq; brought down the Report of the Committee of both Houses referring to the Indian Delegates, *viz.* In Obedience to the Order of this Court on the 16th. Instant, The Committee have met and considered the Articles mentioned relating to the Delegates of the Six Nations, who have expressed their desire that His Excellency would meet with their Tribes, and propose, That His Excellency with such Gentlemen as this Government shall appoint to wait on him to meet and treat with the said Tribes to renew and strengthen the Antient Friendship and brighten the Chain, and so engage them to joyn with us against our enemies the Eastern *Indians*.

And whereas the said Delegates have desired that there might be freedom of Speech at the said Meeting; in order thereto we propose, That the said Treaty be held at *Deerfield*, or such other place in the County of *Hampshire* (as His Excellency shall think proper) when we are well informed from the Delegates that the Six Nations would be willing to come. And as to releasing *Abraham* and *William Paugus* and their Families, We are of Opinion, That it may not be for the Interest and Service of this Government to deliver them to the Delegates at present; but in Consideration of *Abraham* or his Family being related to some of the Delegates; We think it advisable that the said *Abraham* and Family be so far enlarged from their confinement as not to endanger their escape; and that the Delegates be informed thereof: That they shall be kindly treated for their sakes. And further, That if the *Merrimack* and *Scatacook* Indians do obey the Command of the Six Nations according to the Proposal of the Delegates, to draw off from the Eastern *Indians*, so as to reside with the Six Nations, and not act against us; We then judge it may be proper for this Government upon the desire of the Six Nations, to deliver up all the said *Indians* to them.

John Wheelwright, by Order of the Committee.

In Council, *Novemb.* 20. 1722. Read and Accepted (saving what relates to the Place of Meeting the Six Nations) which is referred to further consideration, it not being necessary to determine that matter at present.

Sent down for Concurrence. *J. Willard*, Secr.

Read and Unanimously Non-Concurred. And the House accept the Report of the Committee, and are of Opinion, That it is absolutely necessary for the Court now to determine the Place of Meeting the Six Nations; for should they be informed that either His Excellency or Commissioners will meet them, and the Place not agreed to, when that matter shall be further considered, it may and most probably will defeat the whole design, and this Government forego so favourable an Opportunity as seems to be at this juncture before them to facilitate and put an end to this present cruel and expensive War.

Sent up for Concurrence.

Samuel Partridge Esq; brought down the Vote of this House for discharging part of the Forces on the Western Frontiers, passed on in Council, *viz. Novemb.* 20th. 1722. Read and Concurred with amendments, That some of the Remaining Forces be Posted at *Brookfield* and *Rutland.*

Sent down for Concurrence.

Read and Nonconcurred, and the House insist on their former Vote.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Mercurii 21. die Novembris, 1722.

O*Rdered*, That Col. *Buckminster* go up to the Board and inquire, Whether the Board has passed upon the Vote of the House about the Delegates of the Six Nations

A Petition signed *Joseph Kellog*, praying some further Allowance for his going to *Canada*, for reasons therein. Read and Committed.

Mr. *Nathaniel Knowlton* moved that the Petition signed *James Burnam*, *Sarah Burnam*, and *Martha Perkins* might be with-drawn.

Read and sent up. [9]

Whereas this day was appointed for a hearing on the Petition of the Inhabitants of Billinsgate: *Ordered*, That it be referred to Friday next, the Agent of said Town being misinformed of the time of hearing said Petition.

Sent up for Concurrence.

A Petition signed *George Pits* of *Sudbury* in the County of *Middlesex* praying that this Court would direct the Justices of the Inferiour Court for the County of *Middlesex*, to award Execution against *Joseph* and *Richard Gray*, for reasons therein. Read and

Ordered, That the further Consideration of this Petition be deferred to Friday the Seventh of *December* next, that the said *Joseph* and *Richard Gray* may have time to prepare an answer thereto if they see cause.

Ordered, That pressing Letters be sent to the several Governments of *New-York*, *Connecticut* and *New-Port*, that they would assist us in prosecuting the War against the Eastern *Indians*. Sent up for Concurrence.

A Petition signed *Benjamin Killey* of *Shewamet* in the County of *Bristol*, praying some allowance from this Court for keeping a poor Woman accidentally taken sick in his House. Read and dismist.

Penn Townsend, *John Brown* and *Joseph Hammond* Esqrs; brought down the Report of the Committee of both Houses, referring to the *Indian* Delegates, passed on in Council, *Novemb.* 21. 1722. Read and Concurred with Amendment. *viz.* Provided the Six Nations agree thereto, and signify the same accordingly: But in case they insist upon our seeing them at *Albany*, then that this Government meet them there. Sent down for Concurrence.

J. Willard, Secr.

Read and Non-concurred: The House humbly conceiving, that had they come into the amendment of the Honourable Board, it had inevitably fixed the place of treaty in the Government of *York;* which this House is fully perswaded will not be for the Honour and Service of this Government: And they Insist on their former Vote. Sent up for Concurrence.

In Consideration of the past good Offices done this Government by Col. John Scuyler *of* Albany, *and his late Voyage Eastward with the Delegates of the Six Nations, by which he hath demonstrated his intent to promote the good of this Province in an affair of that Importance: Resolved*, That the Sum of *l.* 75. be allowed and paid to the said Col. *John Scuyler* out of the Publick Treasury.

Sent up for Concurrence.

Ordered, That the Sum of *l.* 30. be allowed and paid out of the Publick Treasury to Mr. *Lawrence Clois*, Interpreter to the Delegates of the Six Nations.

Sent up for Concurrence.

Post Meridiem.

A Petition signed *Daniel Macoon* of *Cambridge*, praying that as he had received a Wound in the *Canada* Expedition, which has now cost him *l.* 5. 10 *s.* for a Cure, this Court would be pleased to allow him some consideration for the same, or that Sum be repaid him. Read and Committed.

John Appleton Esq; brought down an Accompt signed *Samuel Brown*, amounting to *l.* 29 3 *s.* for Billiting and Transporting Lieut. *Hiltons* Company to *Casco*.

Read and

Resolved, That the Sum of *l.* 29 3 *s.* be allowed and paid out of the Publick Treasury to Col. *Samuel Brown* in full discharge of his said Accompt.

Sent up for Concurrence. [10]

An Accompt signed *John Appleton* Treasurer of the County of *Essex*, *Anno* 1722. was presented to the House, Read and Allowed.

Sent up for Concurrence.

Penn Townsend, *Samuel Partridge*, *Addington Davenport*, *Edmund Quincey* and *Paul Dudley* Esqrs, brought down the Report of the Committee about the Six Nations, passed on in Council, *Novemb.* 21. 1722. Read and Unanimously Non-concurred; And the Board adhere to their Amendments.

Sent down for Concurrence: Also a Vote of Council, as follows,

Voted, That His Excellency be desired by the next Post to Write a Letter in the Name of this Government to His Majesty's Governour at *New York*, to acquaint him, That we apprehend it will be very much to His Majesty's Service and tend to put a speedy issue to the present War which this Province is ingaged in with the Eastern *Indians* & *Rebels* for the Six Nations to ingage therein Offensively, with this Government, and that we are desirous to treat with them for that pur-

pose, and encouraged thereto by the Delegates of those Nations in their late Conference with us, and great earnestness desire Governour *Burnet*'s favour and assistance in that Affair. Sent down for Concurrence.

Read and Non-concurred, and

Ordered, That a Letter be prepared by this Court and dispatch'd to Governour *Burnet*, Informing him that the Delegates of the Six Nations have assured this Government, That their Tribes (if desired) will come and treat with this Government respecting the War we have been forced into against the Eastern *Indians*, which if accommodated, may tend to promote the Peace and Welfare of His Majesty's Loyal Subjects the Inhabitants of this Province, this being a matter of so general concern to the Crown of *Great Britain*, no doubt can be made of His ready and generous endeavour to attain the same, and that he would be pleased by the first Opportunity to signifie his resolutions in this Affair.

Sent up for Concurrence.

A Message by Mr. Secretary, That His Excellency expects this House to come up to the hearing appointed to be on this day between *Lancaster*, and the two West Towns.

Ordered, That a Message be sent to His Excellency and the Board desiring the hearing may be put off till to Morrow at Three afternoon.

A Message by Col. *Quincey*, That the Board have agreed to defer the Hearing to that time.

Joseph Buckminster Esq; desired that the Vote passed last Sessions for granting liberty to *John Drury* to purchase some Land of the *Indians* at *Hasanamisco*, may be sent for down and revived.

Ordered, That Col. *Buckminster* go up for the said Vote.

The said Vote, *&c.* was brought down, and

Ordered, That the Report of the Committee on the Petition of Mr. *Drury* be accepted.

Then the House adjourned till to Morrow Morning 9 a-Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722. [11]

VOTES

Of the House of Representatives.

Jovis 22. die Novembris 1722.

O*Rdered*, That a Message be sent to His Excellency and the Honourable Board, desiring that what is proposed to the Delegates at their dismission, to be communicated to their several Tribes, may be prepared by the whole Court. Sent up by Mr. *Dudley*, Mr. *Spurr*, and Mr. *Tay*.

Resolved, That the Sum of *l.* 10 be allowed and paid out of the Publick Treasury to Mr. *Joseph Kellog*, for his attendance on the Delegates of the Six Nations in their Voyage to the Eastward. Sent up for Concurrence.

An Accompt signed *John Chandler*, amounting to *l.* 9 13 *s.* for billeting 54 Men, garrison'd at *Worcester*, *Leicester* & *Rutland*, Read and

Resolved, That the Sum of *l.* 9 13 *s.* be allowed and paid out of the Publick Treasury to Col. *John Chandler*, in full discharge of the said Accompt.

Sent up for Concurrence.

Thomas Hutchinson, *Paul Dudley* Esqrs; and Mr. Secretary brought down the Proposals to be made to the Delegates of the Six Nations at their departure, which Mr. Secretary Read to the House, and withdrew.

Resolved, That Mr. *Remington* go up to the Board and desire of His Excellency, That the said Proposals may be sent down to the House; Who returned, That His Excellency refused to send them down.

Mr. Secretary brought down the said Proposals, and informed, That His Excellency desired the House would Read them, and send them up speedily.

Read and sent up by Mr. *Cooke*, Mr. *Dwight*, Mr. *Bryant*, and Mr. *Chandler*, with the following Message, *viz.*

This House being concerned in the Speech now proposed to be delivered to the Delegates of the Six Nations, cannot consent to the same as it is now drafted, unless, where the word [*I*] is, it be added, [*In the Name of the General Court*,] And that this House be present when it is delivered.

A Message by *William Tailer*, *Thomas Fitch* Esqrs; That His Excellency has complyed with the Request of this House about the Proposals to the Delegates of the Six Nations, who are to come to the Council Chamber at Three afternoon to receive the Proposals; and that the House is desired to be present at it.

Ordered, That a present of a Gun be made to each of the Six Delegates upon giving them the Proposals. [12]

Post Meridiem.

A Petition signed *Joseph Ephraim*, *Andrew Ephraim* and *John Ephraim*, *Indians* of *Natick*, praying that they may have liberty to Sell a parcel of Land to Mr. *Isaac Coolidge*, which was left them by their Brother, and is distant from their own Habitation. Read and Ordered that the prayer of the Petition be granted, provided it be apprized by Three Men upon Oath, and the Money paid into the Hands of Maj. *Fullam*, Mr. *Hopestill Brown*, and Mr. *William Dudley*, to be improved according to the Petition.

A Message by Mr. Secretary, That His Excellency expects this Honourable House would come to take leave of the Delegates of the Six Nations.

Mr. Speaker and the House went up accordingly; and after the Ceremony performed returned to their Chamber.

Ordered, That the Hearing between the South Town and the Town of *Lancaster* be referred to to-morrow Morning Nine a Clock. Sent up by Mr. *Chandler*, who returned, The Board was well pleased with it.

In the House of Representatives.

Whereas at a Session of this Court begun the Thirtieth *of* May *last past, the Overseers of* Harvard-College *presented a Memorial, proposing that the Corporation of the* College *might be enlarged*, &c. *Upon which a Committee of both Houses were appointed to Consider the subject matter of that Memorial, and Report what they thought proper for the Court to do therein. Who after several Meetings, Debates and Arguments had, made their Report which was Read, and after due Consideration had, accepted; and a Resolve that the Corporation of* Harvard-College *for the future practise according to the said Resolve, and Sent it up for Concurrence, and was accordingly Concurred by the Honourable Board, and Consented to by his Excellency the Governour, with a Proviso, which Proviso entirely defeated the Design and Purport of those Votes, and therefore the House desired the Governour to pass thereon, according to constant Usage; and sometime after Mr.* Secretary *brought down the Message, with His Excellency's Reply thereto, in which He Declared*, "That the Limitation with "which he Signed, was agreeable to the Explanation of the Council, and the desire "and intention of the Overseers in their Address, and that therefore he could not "Consent to those Votes, upon any other Terms, until an Overseers Meeting for "their further opinion in that Matter. *Upon which the House Voted that Explanation inconsistent with the Vote of Council, and therefore insisted upon their former desire to the Governour.*

Now the Report of that Committee being well founded, how can the Members of that Corporation Justify & Maintain their Proceedings in the Way & Manner they are now in, if they cannot be Warranted by their Charter. And it is of the last Consequence to that Society, to take all possible Caution that they keep

strictly within the Rules prescribed by their Constitution in all their Acts that so their Antient and well-established Privileges may not in the least wise be endangered. Therefore,

Resolved, That the good and wholesome Methods laid down, in the aforesaid Report be punctually observed and complyed with.

Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock.

Veneris 23. die Novembris, 1722.

WHEREAS Hendrick, Dewitt, *and the other Delegates of the* Six Nations *at their taking Leave of the General Court, showed some Concern that their Request for the inlargement of* Abraham *and Family was not granted unto them, for whose Good and Peaceable Behaviour for the future, they had ingaged, and being desirous that there should be no uneasiness in the said Delegates, and to cultivate and intire an hearty Understanding between them and us, and to ingage them in our Interest.* [13]

Resolved, That the said *Abraham* and Family be set free and delivered to the said *Hendrick* and Delegates, and we shall look on them as Suretys for his good Behaviour and Carriage to the Inhabitants of this Province.

A Message by Mr. Secretary, That His Excellency expects this Honourable House forthwith to attend the Hearing on the Petition of South Town.

Mr. Speaker and the House went up accordingly, and after a full hearing returned to their own Chamber.

Post Meridiem.

Spencer Phipps Esq; brought down a Journal of the Commissioners that attended the Delegates Eastward: And informed, That the Board was willing to defer the Hearing on the *Charlestown* Petition till Tuesday next.

Ordered, That Mr. *Remington* go up to the Honourable Board and inform them, That the House has appointed Tuesday next for a special Occasion, and are willing the Hearing should be this Afternoon.

A Message by Mr. Secretary, That His Excellency directs this House to attend the Hearing of the *Charlestown* Petition.

Mr. Speaker and the House went up accordingly, and after a full Hearing returned to their own Chamber.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Sabbati 24 die Novembris, 1722.

A Petition signed *Christopher Osgood* of *Billerica* and 300 others, setting forth the loss they have sustained by having a Mill-dam pulled down by vertue of a Commission granted to *Jonas Bond*, *Francis Fullam* and *Francis Bowman* Esqrs; Commissioners of Suers; and praying a hearing on the case. Read

John Turner Esq; brought down the Petition of South Town against the Inhabitants of *Lancaster*, with a Vote of Council thereon, *viz.* In Council, *Novemb.* 23. 1722. A hearing having been had on this Petition before the whole Court. Ordered, That the prayer of the Petition be not Granted.

Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred.

Ordered, That the consideration of the Petition of *William Ward*, *&c.* of *Newton*, Referred to Tuesday next, be further Referred to Thursday next.

Samuel Sewall Esq; brought down a Petition signed *Constant Church*, passed on in Council, *viz.* Read and Ordered, That a hearing be had before the whole Court on the Petition of *Constant Church* on Monday next, at Three of the Clock in the Afternoon. Sent down for Concurrence.

Read and Concurred.

Also a Petition signed *Joseph Marble*, *&c.* Inhabitants of *Sudbury*, praying to be set off to *Stow*. Passed on in Council, *viz.* The Petition, and Answer of the Town of *Sudbury* being fully considered. Ordered, That the prayer of the Petition be granted, (Saving only that the Petitioners and their Estates within the Town of *Sudbury* shall be lyable to be Taxed towards the building of the Meeting-house to be Erected in the West part of the said Town.

Sent down for Concurrence. Read and Concurred.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [14–15]

VOTES

Of the House of Representatives.

Lunæ 26. die Novembris 1722.

Post Meridiem.

JOhn *Turner* Esq; brought down a Petition signed *Jared Talbot* praying that the Injunction formerly granted him against *Nathaniel* and *Timothy Halloway*, may be made perpetual. Passed on in Council, *Novemb.* 24. 1722. Read and Ordered, That the Petitioner serve the adverse party with a Copy of this Petition as soon as may be, that so they may give answer thereto (if they see cause) on Friday the 7th of *Decemb.* next. Sent down for Concurrence.

Read and Concurred.

Also a Petition signed by sundry Inhabitants of *Charlestown*, passed in Council *Novemb.* 3d. 1722. *viz.* A hearing being had before the whole Court on this Petition. Ordered, That the prayer thereof be so far granted, That the Petitioners and the other Inhabitants of *Charlestown* within the Limits described in the Petition (*viz.* All on the North side of the Great-river that runs up to *Medford*, to *Malden*-South-line, and from *Boston* line to *Medford* line) with their Families and Estates, within the said Limits, be exempted from being Taxed to the support of the Ministry at *Charlestown*, and that they be obliged hence forward to pay their proportion to the Charge of the Ministry at *Malden*.

Sent down for Concurrence. *J. Willard*, Secr.

Read and Concurred.

A Message by *Edward Bromfield* Esq; That the Board is ready to attend the Hearing on the Petition of *Constant Church*.

Mr. Speaker and the House went up accordingly; and after a full Hearing returned to their Chamber.

Then the House adjourned till to Morrow Morning 10 a Clock.

Martis 27. die Novembris, 1722.

ORdered, That this Court proceed to the choice of a Commissioner of Excise for the County of *Essex* in the room of *Daniel Epps* Esq; Deceased, on this day Seven-night.

Mr. Secretary brought down a Petition signed *Constant Church*, passed on in Council, *viz. Novemb.* 26. 1722. A Hearing having been had on this Petition before the whole Court: Ordered, That the Petition be dismist.

Sent down for Concurrence. Read and Concurred.

According to the Order of the day the House proceeded to consider the state of the War with the Eastern *Indians:* And [16]

Whereas His Excellency at the Opening of the last Session communicated His thoughts on the Article of War, and advised to a Vigorous Prosecution thereof: And this House falling in with His Excellency on that head; Voted a great Number of Men to enterprize an Expedition to Penobscot, *and Marches into the Enemies Country; Directed Mr. Treasurer to provide Slops, Provisions, and all needful Stores to Effect the same, Came into sundry Votes and Resolves to facilitate and bring things into a suitable posture and form, of Annoying the Enemy and Securing the Frontiers. And inasmuch as this House have not been Informed what of those Determinations have been Essayed by the Army, and the event thereof:* Therefore

Ordered, That Mr. *Remington*, Mr. *Chandler* and Mr. *Fullam* wait on His Excellency and desire him to send into the House the Orders and Instructions he hath from time to time sent the Commanding Officer, and all others in Command there, and what Advices they have Expressed to His Excellency. And that the Honourable Board be desired to direct Mr. Secretary to lay before the House all Votes, Orders and Determinations of that Board touching the War, passed in the Recess of the Court. And that Mr. Secretary bring into the House the Journal of all the Officers in the Pay and Service of this Government, that so the House may be the better enabled and directed what further steps to take on their part in prosecuting the War.

A Message by *Penn Townsend* Esq; That the Board desire to speak with Mr. *Fullam*, a Member of this House. Who was sent up accordingly.

A Portlidge Bill belonging to the Sloop Two Brothers *John Alden* Master, on a Voyage Eastward with the Delegates of the Six Nations, amounting to *l.* 41 7 *s.* 6 *d.* was presented, Read and Committed.

An Accompt signed *John Appleton*, amounting to *l* 6 8 *s.* 6 *d.* for billiting Souldiers, was Read and

Resolved, That the Sum of *l.* 6 8 *s.* 6 *d.* be allowed and paid to him out of the Treasury in full of said Accompt. Sent up for Concurrence.

A Petition signed *Joseph Keyes* of *Chelmsford*, praying some Allowance for a Centinel he has kept at his Garrison from *Sept.* 17th. to *Novemb.* 6th. And that a Souldier may be posted there. Read and dismist.

An Accompt signed *Isaac Winslow*, amounting to *l.* 2. for billiting 20 Men two Meals each Man. Read and

Resolved, That the Sum of *l.* 2 be paid to him out of the Treasury in full of said Accompt. Sent up for Concurrence.

In the House of Representatives.

Whereas there have been great Complaints of the Souldiers mispending their Money in the Eastern Parts:

Resolved, That the Commissioners draw out a fair Accompt of all Slops, Stores and Liquors, (the quantity and prizes thereof) that have been advanced to the several Souldiers, there and lay the same before this House for their Consideration. And

Resolved, That the Commanders of the Forces also draw out a fair Accompt of all the Supplies that they have advanced to the several Souldiers under their Command, and lay the same before this House when they exhibit their Muster-Rolls.

Post Meridiem.

Samuel Partridge Esq; brought down a Petition signed *David Haynes*, *Daniel Estabrook* and *John Haynes*, a Committee for the West Precinct of *Sudbury*, praying, That they may be put into a way to raise Money for building their Church; which was passed on in Council, *Novemb.* 22. 1722. *viz.* Read and Ordered that a New Meeting-house be erected, built and finished at a place called *Rockey-plain* in the West Precinct of *Sudbury*, (according to the Order of this Court:) And that a Sum not less than *l.* 350. nor exceeding *l.* 500. be raised by and Assessed on the Town of *Sudbury*, for defraying the Charges thereof. And that the Old Meeting-house be likewise well and sufficiently Repaired at the charge of the whole Town; and that the Ministers on both sides the River be Maintained and Supported by a Town Tax. Sent down for Concurrence.

Read and Concurred.

Also a Petition signed *Jacob Seknout* and *Simeon Butler* of *Capaquidduck*, passed on in Council, *Novemb.* 19. 1722. *viz.* Read and Ordered, That *Samuel Sewall* and *Paul Dudley* Esqrs; with such as the Honourable House of Representatives shall appoint (or any Three of the whole) be a Committee of this Court to go to *Martha's-Vineyard* sometime next Spring, and make strict inquiry into the matter of this Complaint, *&c.* Sent down for Concurrence.

Read and Non-concurred. And [17]

Ordered, That Mr. *John Dyer*, Mr. *John Chandler*, and Mr. *William Dudley* be a Committee to consider the said Petition, and make their Report thereon to this House.

Also a Petition signed by the Inhabitants of *Billingsgate*, &c. passed on in Council, *Novemb.* 27. 1722. This Petition and Answer thereto being fully considered. Ordered, That *John Cushing* Esq; with such as the Honourable House of Representatives shall appoint be a Committee to repair to *Eastham* and *Billingsgate*, and Report to this Court at their Sessions in *May* next, what may be proper to be done as to the making of *Billingsgate* a Precinct or Town.

Sent down for Concurrence. *J. Willard* Secr.

Read and Concurred: And that Mr. *John Dyer*, and Mr. *Israel Tupper* be

added to the Committee; the Charge of the Committee to be born by the Inhabitants of *Billingsgate*. Sent up for Concurrence.

John Wheelwright Esq; brought down *An Act for altering the Time of holding the Court of General Sessions of the Peace for the County of* Suffolk. Passed on in Council with Amendment, and sent down for Concurrence.

Read and Concurred.

Ordered, That Mr. *Chandler* go up to the Honourable Board and inquire, Whether they have acted on the Vote of this House passed the 21st Instant, for Writing a Letter in the Name of this Government to His Majesty's Governour at *New-York*, relating to the Meeting of the Six Nations.

And on the Vote of this House for sending Letters to the several Governments to assist us in this present War.

Who returned that His Excellency said, He had Wrote about it.

Ordered, That Mr. *Cooke*, Mr. *Stoddard*, Mr. *Chandler*, and Mr. *Dudley* be a Committee to joyn with such as the Honourable Board shall appoint to prepare a draft of a Letter to be sent to the Governour of *New-York*, about the treaty to be made with the Six Nations.

Whereas Samuel Thaxter *Esq;* Robert Spurr, *and* John Quincey *were appointed a Committee of this Court to Sell a Tract of Land lying Adjacent to the Township of* Dorchester, *and were in a very rude manner interrupted in that work*, &c.

Ordered, That the above Committee be appointed by this Court to run the said Lines again; and if they find any persons have got into possession of the Premisses, That they direct the Attorney General to bring a Writt of Trespass and Ejectment against all such. Sent up for Concurrence.

Ordered, That Mr. *Menzeis*, Mr. *Ward*, and Mr. *Fairbankes* go up to His Excellency and the Honourable Board, and desire, That they would be pleased to forward the Votes, Orders and Advices, *&c.* contained in the Vote sent up this Morning.

Ordered, That a Letter be sent to Mr. *Thomas Foster* of *Marshfield*, That he attend this House as soon as can be to give them an Account of the State of the Eastern *Indians*.

Ordered, That Mr. *Stoddard* have leave to bring in a Bill *for Regulating the Common Fields*, &c.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Mercurii 28. die Novembris, 1722.

AN Accompt signed *William Dudley*, amounting to *l.* 1 10 *s.* for billiting 12 Men two days and a half, at 12 *d per* day. Read and Ordered That the said Sum of *l.* 1 10 *s.* be allowed and paid to him out of the Publick Treasury in full discharge of said Accompt.

Mr. *Stoddard* presented a Bill Entituled, *An Act to prevent Damages in Common Fields and Meadows*, &c. Read a first time.

A Petition signed *John Holbrook* of *Sherburn*, shewing how he lost a Gun in the *Canada* Expedition, under Sir *William Phipps*, and praying that he may be allowed for the same. Read and Dismist.

This House being very Solicitous, That the Affairs of the War may be carryed on with great dispatch, but are wholly at a loss what may be requisite to effect the same, till the Papers sent for Yesterday be laid before them: Do earnestly desire the Instructions, and the Papers mentioned in that Vote be immediately sent into the House. Sent up by Mr. *Whittemore*, Mr. *Hitchcock*, and Mr. *Sanders*. [18]

Samuel Sewall Esq; brought down a Petition signed *Richard Borden* Agent for the Town of *Tiverton* in the County of *Bristol;* Setting forth, That the present Tax is the same with that of the last Year; yet they are Rated in this the Sum of *l.* 72 11 *s.* over and above their proportion, and praying that the said Sum may be taken off for reasons therein mentioned. Read

Thomas Fitch Esq; with Mr. Secretary brought down an Answer from His Excellency to the Votes sent up Yesterday: As follows.

Mr. Speaker,

His Excellency in Answer to the Request of the House made to Him Yesterday, Orders me to acquaint this Honourable House, as follows; viz.

That when the Forces were assembled to the Eastward, *His Excellency gave Orders that they should be posted according to the Desire of the Court; And that they should be employed in Covering the Inhabitants, and Assisting them in Gathering their Harvest, till such Time as the Sloops with the Stores for the Expedition to* Penobscot *should arrive: By which Sloops His Excellency sent his Orders to Col.* Walton *and Maj.* Moody, *to assembly the Troops for that Expedition: Upon their receiving his Excellency's Orders the Forces were upon Motion; But in their March an Express met them, wherein they were ordered to return to their former Posts; A great Body of* Indians *having Attack'd* Arrowsick. *And the Officers thinking it probable that they would fall upon some other Part of the Frontiers.*

After the Indians *were drawn off from* Arrowsick *and* Kennebeck River, *His Excellency received an Express that advised that a Council of War had been held, In which the Officers agreed, That it was not safe to draw off so great a Body of the Forces as was necessary for the Expedition to* Penobscot, *but more for the Safety of the Frontiers to go in Quest of the Enemy.*

When Capt. Harman *came Express from* Arrowsick, *His Excellency examined him before the Board about* Penobscot; *and his Answer was, That there were many more Difficulties than were apprehended at first in that Affair, there being seven or eight Falls, which were not to be pass'd with any Whale-Boats; and that the best Time of Attacking it would be in the Winter. This was also confirm'd by some Affidavits of*

our Prisoners that had been there; which inclined His Excellency and the Board to be of the same Opinion. His Excellency then wrote to Col. Walton *acquainting him that tho' the Expedition to* Penobscot *was at present laid aside, That the Forces must not be idle, but employed in Way-laying the Indians Carrying-Places and Marching in Quest of the Enemy, wherever he might think they might be found and to attack them.*

His Excellency has lately received Letters from Col. Walton, *and Capt.* Heath, *which assure him those Orders have been put in Execution without any other Success, than that the* Indians *have not since molested the Frontiers; and it is his Excellency's Opinion, that they have quitted their Country.*

And the Record containing his Excellency's Order to the Commander of the Forces, Dated, *Sept.* 4th. Which was Read to the House.

And a Letter from Col. *Walton* to his Excellency, Dated, *Sept.* 23.

And an Answer from Governour *Cranston* to his Excellency's Letter.

And a Letter from the General Assembly of *New-York.*

And some Testimonies relating to the designed Expedition.

And a Vote of Council, of *Sept.* 13th. *viz.* His Excellency having communicated Letters from the *Eastward* relating to an Army of *Indians* at *Kennebeck.*

Voted, That Capt. *Westbrook* be offered *l.* 50 towards the Hire of his Sloop in case he and his Company will joyn Col. *Walton* in prosecuting the *Indians*, and continue with them a Month. *J. Willard*, Secr.

Thursday *Sept.* 27. 1722. Advised that Capt. *Richmond* be directed to enlist a Company of 50 Voluntiers on the encouragement granted in the Act for Levying Souldiers. *J. Willard*, Secr.

Post Meridiem.

Jonathan Dowse Esq; brought down a Vote of this House for running the Lines of a Tract of Province Land adjoyning to the Town-ship of *Dorchester*, passed on in Council, *viz.*

Read and concurred with Amendment, and sent down for Concurrence.

Read and Concurred.

Then the House adjourned till to Morrow Morning 9 a-Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [19]

VOTES

Of the House of Representatives.

Jovis 29. die Novembris 1722.

MR. *John Dyer* from the Committee appointed to consider the Petition of *Jacob Seknout*, &c. Reported,

In answer to the Petition of Jacob Seknout, *Indian Sachem of* Chebaquittuck-Island, *near* Marthas-Vineyard, *and* Simeon Butler *Agent and Attorney to him, and the Rest of the* Indian-Natives, *and Proprietors of said Island:*

Resolved, That the said Attorney *Simeon Butler* be and hereby is impowred and directed to act and transact all Matters and Things Relating to the Incomes and Profits of said Island, according to an Award or Determination made by the Honourable *Joseph Dudley*, *William Tailer*, *Samuel Sewall*, *Penn Townsend* and *John Cushing* Esqrs; thereunto authorized and impowred; which was Ratifyed and Confirmed by the General Court 1 7 1 5. *And for the preventing of any abuse unto the* Indians: *Ordered*, That said *Simeon Butler* Attorney to the *Indians* shall Annually and once every Year in the Month of *June* accompt with and pay in the Profits and Rents of said Island of *Chabaquittuck*, unto the said *Seknout* and his People, and lay before this Court the Accompts and Vouchers of the Payments of the issues and profits of said Island, in order for their examination and approbation. And that the said Attorney *Butler* be directed to call to an Account the Heirs, Executors or Administrators of *Benjamin Haws* late Attorney to the said Sachem, for the Rents, Profits and Incomes of said Island of *Chabaquttuck* for the last Seven Years, which the said *Haws* has received, and not paid nor accounted for. Read accepted and sent up for Concurrence.

A Petition of *Richard Borden* Agent for the Town of *Tiverton*, as entred the 26 Instant, was Read again and dismist.

In the House of Representatives.

Whereas the General Court in their Sessions in August *last chearfully came into the Raising a great Number of Men, who were sent into the Eastward Country, part of whom were to remain in Garrison while the Remainder were Voted by the House and Council on an Expedition to* Penobscot, *and his Excellency came into the same, and gave his direction agreeable thereto: Yet notwithstanding the great Expence of Money and Charges this Government have been at herein, Yet we find by his Excellency's Message of Yesterday, That the above Expedition has not been proceeded in. And being informed, That the Forces have not been imployed in Scouting up the Country according to the Resolution of this Court, and the House being Ignorant of the causes of those miscarriages:*

Resolved, That his Excellency be desired to express his Orders to Col. *Walton* to appear forthwith before this House to render his reasons, wherefore the Orders relating to that Expedition have not been executed. Sent up by Mr. *Dyer*, Mr. *White*, Mr. *Fullum*. Who are directed to further desire of his Excellency, That *Joseph Been* and *Samuel Jordan* be Ordered to come and inform the House about the ways and customs of the *Indians* living in the Winter Time, that they may be the better prosecuted. Who returned, [20]

That his Excellency said, He would take no Notice of the Message unless it came other-ways expressed.

That his Excellency and the Board are satisfied about the Expedition, and he thôt every body else was. Yet he would give his Orders for them to give an Account to him.

Post Meridiem.

Adam Winthrop, Esq; brought down a Petition of four of the Inhabitants of *Shewamet*, presented *August* the 14th. Passed on in Council *Novemb.* 28. 1722. *viz.* The Petition of *Charles Joycelin*, *John Winslow*, &c. Read and Ordered, That the Tract of Land called *Shewamet*, and the Inhabitants thereof, be annexed to the Town of *Swanzey*, and that henceforth the same be made part of the said Town of *Swanzey*, to all intents and purposes in the Law.

Sent down for Concurrence. Read and Non-Concurred.

And Mr. *Thomas* Representative of the Town of *Swanzey*, informing the House, That some of the Inhabitants of said Town, thought themselves not obliged to Vote in-that Affair, because there were but Four Persons of *Shewamet* that Signed the Petition and they in a private Capacity. Therefore,

Ordered, That the consideration thereof be put off till the second Wednesday of the next Sessions, that the minds of the Inhabitants may be known.

Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Veneris, 30. die Novembris, 1722.

A Petition Signed *William Ward* and 5 others, presented the16th Instant and referred, Read again; and the Answer of the Town of *Newton* thereto, Read. And thereon,

Resolved, That the Vote of the Inhabitants of *Newton* for building their Meeting-House, and the Confirmation thereof by the General Court, does not oblige the 6 Inhabitants to pay to the annual Support of the Maintenance of the Ministry in *Newton*. Sent up for Concurrence.

Samuel Patridge, Esq; brought down an Engrossed Bill Intitled, *An Act for*

altering the time of holding the Court of General Sessions of the Peace for the Courty of Suffolk *at* Boston. Read and

Resolved, That the Bill do pass to be Enacted.

Also *An Act for impowering the Precincts, Districts and Parishes in this Province to choose Committes in order to call and appoint Meetings of their respective Precincts and Parishes, and for increasing the Penalty on Collectors who shall refuse to serve.*

Read 3 times in Council, and Sent down for Concurrence.

An Act to prevent Damages in Common Fields. Read a second time.

Edward Bromfield, Esq; brought down a Vote of this House on the Petition of *Jacob Secknout.* Passed on in Council with Amendments; and sent down for Concurrence.

Read and Non-Concurred, and the House Insist on their own Vote.

Sent up for Concurrence.

John Cushing and *Paul Dudley*, Esqrs; brought down a Vote of this House on the Petition of *Shewamet*, desiring the House would reconsider the same.

And the Question being put, *Whether the House would reconsider the same?*

It pass'd in the Negative. [21]

John Appleton, *Samuel Patridge* & *John Wheelwright*, Esqrs; brought down a Bill Intitled, *An Act for enlarging the allowance of the Members of the General Assembly.* Read in Council, *Nov.* 28. 1722. and sent down. Read.

An Act for regulating the Exportation of Candles. Read a 1st time.

A Petition signed *John Blake* of *Wrentham* a Souldier wounded at *Arrowsick* by a shot in his hand, praying some allowance for the same.

Read & Committed.

Post Meridiem.

A Petition signed *Henry Tucker* Agent for the Town of *Dartmouth*, shewing, That they are over rated *l.* 100 on the last Tax, for Support of Mr. *Hunt*, Presbiterian-Minister in their Town, and praying, That the same may be released.

Read in Council and sent down. Read and Dismist.

A Petition signed by *Hezekiah Squamaug* and eight others, Proprietors of *Punkapaug*, praying, They may have liberty to grant Deeds of Conveyance of some Lands to their English Neighbours; and that this Court would send a Committee to regulate some things among them.

Also a Petition by *Joseph Tucker* and 20 others, English Inhabitants of the said Town, praying, That their Leases may be confirmed to them, by an Act of this Court.

Which Petitions were passed on in Council, *Nov.* 28. 1722. *viz.* Ordered, That *Samuel Sewall*, and *Samuel Thaxter*, Esqrs; with such as the Honourable House shall appoint be a Committee to examine as well the Petitions of the English and

Indians there, as the Leases of those Lands. And make Report, what may be proper to be done thereon to this Court. Sent down for Concurrence.

Read & Concurr'd.

And that Mr. *Isaiah Tay*, Mr. *Ebenezer Stone*, and *John Quincey*, Esq; be added to them, the Charge of the Committee to be born by the English Petitioners.

Sent up for Concurrence.

Ordered, That the Petition of *Jacob Seknout* be reconsidered, the Petition was sent for down, and Voted a Concurrence with the Amendment of the Board.

A Bill for *Impowering*, *Precincts*, &c. *to call Meetings*, &c. Read a 1st time.

Ordered, That Mr. *Remington*, Mr. *Dudley* and Mr. *Chambers* go up to his Excellency, to know, if he will please to send for Col. *Walton*, according to the Desire of the House. Who returned,

That his Excellency would make Answer to the House when he thinks it proper.

Then the House adjourned till to Morrow Morning 9 a Clock.

Sabbati 1. die Decembris, 1722.

ORdered, That a Letter be sent to Mr. *William Bowditch*, Representative for the Town of *Salem* to attend his Duty in this House.

A Bill *for the Regulating the Exportation of Candles*, Read a 2d time.

A Bill *for Impowering the Precincts, Districts and Parishes in this Province to choose Committees in order to call Meetings*, &c. Read a Second time.

A Bill *to prevent damages in Common Fields*, &c.

Read 3 times and dismist. [22]

Whereas this House did on Thursday last Appoint a Committee to wait on his Excellency the Governour, Praying his Orders for Col. Walton's *appearance before the House; and Renewed their Request to him Yesterday; and his Excellency having not as yet seen cause to comply with that Vote; And the denyal of Col.* Walton's *being sent for has Extreamly discouraged the House in projecting any Schemes for the future carrying on of the War, under any views of Success: And this House being zealously Inclined to do what in them lyes to bring this People out of the Calamities and Perplexities of the present War, and spare no Cost and Charge if to Effect so great a good, were some things at present Remedied:* We do therefore once more with the greatest Sincerity and Concern for our Countries good apply to Your Excellency for your speedy Issuing out your Orders concerning Col. *Walton* to be dispatched by the Messenger of this House going into those Parts. Sent by Mr. *Gorham*, Mr. *Stone*, Mr. *Hitchcock*. Who returned, That they waited on His Excellency at his House, and that he told them, He would not receive it, and so went his way.

A Petition signed *Ephraim Angier*, *Francis Bowman* and *Ruth Bowman*, Executors to the last Will of the Reverend Mr. *Samuel Angier* deceased, praying they

may be enabled to recover from one of the Congregations at *Watertown*, the Sum of *l.* 109 18 *s.* 9 *d.* due to them as abovesaid. Read and Committed.

Voted, That Mr. Speaker, Mr. *Chandler*, Mr. *Remington*, Mr. *Hedge*, Mr. *Tay*, Mr. *Richmond*, Mr. *Clarke*, Mr. *Dwight*, and Mr. *Austin* be a Committee to wait on his Excellency the Governour, and desire him to return to the Chair this Morning on some important Affairs that lie before the House. Who returned,

That they went to his Excellency's House and desired to Speak with him, but he sent word down from his Chamber, That he would not be spoke to by any body.

An Accompt signed *Shubal Gorham*, amounting to *l.* 9 12 *s.* for billiting 16 Men 11 days each at 12 *d. per* day. Read and Ordered, That the said Sum be paid him out of the Publick Treasury in full of said Accompt.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [23]

VOTES

Of the House of Representatives.

Lunæ 3. die Decembris 1722.

Post Meridiem.

RESolved, That *Elisha Cooke* Esq; be Speaker of this House in the Absence of *John Clarke* Esq; the Speaker.

A Petition signed *Christopher Osgood* of *Billerica*, praying a Resolve of this House, *viz.* Whether the Commissioners of Sewer in pulling down his Dam on *Billerica*-River went according to an Act of this Province for appointing Commissioners of Sewers. And that he may be relieved in the Premisses, after such manner as in your great Wisdom may seem meet. Read.

A Petition signed *Humfry Scamond*, and the Select-men of *Biddeford*, praying some Allowance for Setling a Minister among them. And a Certificate from the said Select-men, *&c.* Signifying, That Mr. *Mathew Short* had Preached to the Garrison these Three Months, from the 1st. of *July* past.

Both Read and dismiss.

A Petition signed *Jathniel Peck* and *Arthur Low*, Souldiers under the Command of Lieut. *Winslow*, praying some Allowance for the Charges in going after the *Indians* that had deserted the Service. Read and dismiss.

In the House of Representatives.

Decemb. 3d. 1722.

Whereas this House have been informed of divers Miscarriages in the Management of the War in the Eastern Country:

Voted, That his Excellency be desired to express Orders to Col. *Walton*, That he forthwith repair to *Boston*, and when he hath attended his Excellency; The Governour would please to direct him to wait on this House that they may examine him concerning his late conduct in prosecuting the War, more especially referring to the late intended Expedition to the Fort of *Penobscot*. Sent up by Mr. *Chandler*, Mr. *Knowlton*, Mr. *Dyer*.

A Motion being made and the Question put, *Whether the Message of this House sent to his Excellency on the first Instant by Mr. Speaker*, &c. *be left out of the Printed Votes?* It passed in the Negative.

A Petition signed *Thomas Sawin* of *Natick*, praying liberty to purchase from the *Indians* there, the use of a Stream for setting a Mill thereon. Passed on in Council, *Novemb.* 27th. *viz.* Read and Ordered, That *Spencer Phipps* Esq; with such as the Honourable House shall appoint be a Committee, to view the place proposed, and make report to this Court, if the prayer thereof may be granted without

damnifying the Proprieties of particular Persons, or obstructing the passage of the Fish in said River: the Charge to be born by the Petitioner.

Sent down for Concurrence.

Read and Concurred, and Ordered, That *Francis Fullam* Esq; and Mr. *Ebenezer Stone*, be added to the Committee. [24]

A Memorial signed *William Dummer* Commander of *Castle William*, advising, That the Inlistment of the Souldiers will expire in *March* next, and desiring there may be a New Encouragement granted on the same bounty. And a Memorial, That the Garrison is destitute of an Armorour, and in great want of one to clean the Armes. And a Muster-Roll of the said Garrison.

All Read and Committed.

A Memorial signed *Josiah Willard*, praying some Allowance for his Extraordinary Trouble in the Year past, and some Provision for a Clerk to assist him.

Read and Committed.

A Bill *for enlarging the Allowances of the Members of the General Assembly*. Read a 2d. time. And the Question being put, *Whether it shall have a third Reading?*

It passed in the Negative.

Then the House adjourned till to Morrow Morning 9 a Clock.

Martii 4. die Decembris 1722.

COmplaint being made against *Elisha Johnson* of *Sutton*, That he had not complyed with the Order of this Court for building Two Bridges over *Blackstons*-River, *October*, *Anno* 1718. Ordered, That the said *Elisha Johnson* be directed to appear before this House on Thursday the 13th. Instant, to make answer to the said Complaint.

Ordered, That Mr. *Chandler* wait on his Excellency the Governour, and Inquire, Whether his Excellency is sending any Express to Col. *Walton;* and to desire that the Express may be stop'd sometime because the House hath some further Matters to send by the said Post. Who returned, That his Excellency would stop the Express sometime.

Ordered, That Mr. *Remington*, Mr. *Dudley*, and Mr. *Stoddard* be a Committee to prepare a Message to be sent by the said Express.

A Petition signed *Shubal Gorham* of *Barnstable*, setting forth, That *Elisha Parker* and *Jonathan Hallet* of said Place, erected a Mill below a Pond of Water adjoyning to the Petitioners Land, which is over-flowed by said Mill: And the Court of Sessions for the said County having denyed him relief in that behalf; praying this Court would provide him a Remedy.

Read and Ordered, That the Justices of the General Sessions of the Peace of the County of *Barnstable*, be and hereby are directed to appoint a Jury of Twelve good and lawful Men in the usual Method, to go on the Land damnifyed by the

over-flowing caused by the Mill-dam mentioned in the Petition; and there by their Oath to be administred to them by a Justice of the Peace, apprize the damage warning to the Owner of the Land, and that the Value thereof with the Costs be awarded according to Law: Any Usage, Custom or Practice to the Contrary notwithstanding. Sent up for Concurrence.

In the House of Representatives.

Whereas this House have desired his Excellency the Governour to direct Col. Walton *to attend us upon his arrival at* Boston, *in order to his Examination relating to the carrying on of the War:*

Resolved, That Col. *Walton* lay before this House all his Orders, Directions and Instructions that he has received from time to time, and the particular times of his receiving such Order, and give us a Journal of his proceedings since his being intrusted with the Affairs of the War in the Eastern parts, more especially relating to the intended Expedition to *Penobscot;* and that he be served with a Copy of this Vote by the Express now going Eastward. [25]

A Message by *Benjamin Lynde* Esq; that the Board are ready to proceed to the Choice of a Commissioner of Excise for the County of *Essex*.

Ordered, That Col. *Dudley*, Mr. *Chambers*, and Mr. *Tay* go up to his Excellency the Governour, and inform him, That this House desire his Excellency would be pleased to give his Orders by the Express, for Lieut. *Hilton*, Mr. *Joseph Bean* and Mr. *Jordan* to come to *Boston* to attend this House.

Ordered, That a Letter be sent to Mr. *Richard Collier* of *Falmouth*, to come to *Boston*, and attend this House for their Information.

Ordered, That Mr. *Stoddard*, Mr. *Chandler* and Mr. *Fullam* be a Committee to carry up the Votes of this House for a Commissioner of Excise, assist in sorting and counting them, together with the Votes of the Board, and report to the House the Election that shall be made.

A Bill Intituled, *An Act impowering the Precincts, Districts and Parishes in this Province to choose Committees*, &c. Read the third time, and dismist.

A Second Petition signed *Jathniel Peck* and *Arthur Low*, Souldiers, praying that they may be Allowed for their charges in going after some Deserters from Lieut. *Winslow*'s Company. Read and dismist.

A Bill *in addition to an Act made in the Eighth Year of Queen* Anne, Intituled, *An Act for preventing Nusances by Hedges, Wares*, &c. *obstructing the passage of Fish up the River of* Merrimack. Read a first time.

A Message by Mr. Secretary, *viz.*

Mr. Speaker,

His Excellency Commands me to Acquaint this Honourable House,

That he has taken into Consideration the several Messages relating to Col. Walton, *and thinks it most agreeable to the Constitution, and what would tend to keep up*

a good Agreement between the Council, and the House of Representatives for all their Messages of a Publick Nature, and wherein the whole Government are concern'd, to be sent up to the Council for their Concurrence, and not immediately to Himself.

However, That he will give Order for Col. Walton's *coming up to Town, and when he has received an Account of his Proceedings, the whole Court shall have the Hearing of him, if they desire it.*

And that he will also give Orders for Mr. Jordans, *and Mr.* Banes *Attendance.*

An Accompt signed *Bartho. Green* & *Samuel Kneeland* amounting to *l.* 30 4 *s.* 6 *d.* for Printing the Votes of this House. Read and Ordered, That the Sum of *l.* 30 4 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to *Barth. Green* and *Samuel Kneeland*, in full of said Accompt. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a.Clock.

Mercurii, 5. die Decembris, 1722.

A Petition signed *John Johnson* of *Woodstock*, praying, that a grant of 250 Acres of Land, made to Capt. *Isaac Johnson*, *Anno* 1659, and not yet taken up, may be laid out to his Heirs, by a Surveyor and Chain-men on Oath.

Read and

Ordered, That the prayer of the Petition be granted. Provided it be not already taken up, and intrench not upon any former grants; to be laid out by a Surveyor and Chain-men upon Oath, and return thereof made to this House in 12 Months time. Sent up for Concurrence. [26]

Penn Townsend, Esq; &c. a Committee of both Houses, to receive of the Treasurer Bills of Credit on this Province, and burn the same; Reported, That they had received of Mr. Treasurer *Allen*, the Sum of *l.* 4587 7 *s.* at their express Value, all of which Bills we have consumed to Ashes. Whereof *l.* 4087 7 *s.* part of the aforesaid Sum was delivered us on Account of the *l.* 50000 Loan Nett Bills, received of the Trustees. Also *l.* 500 Nett Bills received in Exchange of the like Sum of 1 *d* 2 *d* 3 *d.* Bills, granted by the General Court at their Sessions in *May* last, making in the whole *l.* 4587 7 *s.* Read and

Resolved, That the said Report be accepted, and that the Treasurer be discharged accordingly. Sent up for Concurrence.

A Petition signed *John Read* Attorney to Mr. *Cyprian Whipple*, praying that 500 Acres of Land, yet remaining of the several Grants made to Mr. *William Symond* may be granted to his Heirs. Read and Dismist.

Mr. *Thomas Foster* lately returned from *Penobscut* was admitted into the House, and gave an account of the state of the Indians and their Fort at *Penobscot* in Writing, which was Read and sent up. And,

Resolved, That the Sum of *l.* 2 10 *s.* be allowed and paid out of the Publick Treasury, for his Expence and Trouble, in attending the Order of this House.

Sent up for Concurrence.

A Petition signed *John Pittepu* and 7 others, *Natick* Indians, praying, That they may have their part of the Money, to be paid the Indians at *Hasanamisco*, by *Thomas Drury*, for the Land Petitioned for by him. Read and

Ordered, That Mr. *Ward*, Mr. *Remington*, and Mr. *Chandler*, be a Committee to repair to *Hasanamisco*, and view the Land Petitioned for by Mr. *Drury*, to receive the Claim of the *Natick* Indians to the said Land, to set a Value upon the Land, and make their report of their doings thereon to this Court at the *May* Sessions: The Charge of the Committee to be paid by Mr. *Drury*.

Sent up for Concurrence.

A Memorial signed *Paul Dudley*, *Samuel Thaxter*, *John Stoddard*, praying some Allowance for their Time in going to *Albany* last Fall. Read and Ordered that the Journal of the said Committee be sent for from the Board.

Post Meridiem.

A Motion being made by several Members of this House, That a Chain of block-housen placed at convenient distances between the Rivers of *Merrimack* and *Connecticut*, from the Towns of *Dunstable* to *Northfield*, would be of considerable advantage, to the Province, and a great Security to the Western Frontiers.

Ordered, That Mr. *Dudley*, Mr. *Stoddard*, Mr. *Chandler*, Mr. *Fullam*, and Mr. *Ward* be a Committee to consider the same, with the Places most suitable to fix them on, the advantage that will accrue to the Province thereby, and to lay the same before this House as soon as may be.

Then the House adjourned till to Morrow Morning 9 a.Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [27]

VOTES

Of the House of Representatives.

Jovis 6. die Decembris, 1722.

A Petition signed *Thomas Holt* of *Boston*, praying, That as he with *Benjamin Harris* were bound for the appearance of *Frances Cochborn*, at the General Sessions of the Peace for the County of *Suffolk*, and as an Execution is out against them for her Non-appearance, it may be stayed for Reasons therein. Read & Ordered, That Execution be stayed according to the prayer of the Petition.

Sent up for Concurrence.

A Petition signed *Richard* and *Sarah Patch* of *Beverly* in the County of *Essex*, praying, That that part of her Father's Estate which was laid out to her, may be confirmed to her and her Heirs forever. Read and Ordered, that the Petitioners have liberty to bring in a Bill accordingly.

A Petition signed *John Larrabe* Steward of Castle *William*, praying, That as he has performed the Office of Steward to said Garrison from *April* past, and is still performing the same, he may be allowed for it. Read and Committed.

A Bill in Addition to An Act made in the 8th Year of Queen A N N E, Intituled, *An Act to prevent Nusances by Hedges*, &c. *made in Rivers, to the hindrance of Fish.*

Read a 2d time.

Post Meridiem.

A Petition signed by the Select-Men of *Attleborough*, praying, That as *Joseph Scott* of their Town, went into the Service as a Souldier, leaving his Wife and Child to the Charge of the Town; this Court would Order part of his pay for their Support. Read and Dismist.

In the House of Representatives.

Decemb. 6. 1722.

Whereas this Government are now engaged in a Just and Necessary War against the Eastern Indians. *The more effectual Management and Carrying on the same, is not only for the Honour and Service of the Crown of* Great Britain, *but the great Security, lasting Peace and Prosperity of the Inhabitants of this Province, and other His Majesty's Colonies and Provinces on this Continent. And whereas this Court are sincerely desirous at all times to come into the most likely Methods for bringing the War to a speedy and good end. And in order thereto have, and shall raise sufficient Supplys of Men and Moneys, and do what shall be esteemed most conducive to accomplish that Matter. But inasmuch as this Court cannot be constantly Setting, for concerting Measures with his Excellency the Governour, which would be pleasing*

and agreeable to him, as intimated in his Speech at the opening of the Session in August *last, without great Damage to the Members thereof.*

Wherefore for the better expediting that Affair:

Voted, That a Committee consisting of Eleven Members of this Court, Seven whereof to be Chosen out of the Members of this House, Four of the Honourable Board, who shall meet once in 14 Days, or oftner, as occasion shall require; The opening of their Meeting to begin the 1st Tuesday after the Rising of this Court, in *Boston;* in order to a due inquiry into the State and Circumstances of the War, and Concert what further Steps and Methods may be necessary to be put in practise, keeping as close to the Resolutions and Determinations passed the General Court as the Nature and Circumstance of things and unforeseen Accidents that may happen will allow of; And after they have Agreed and Concluded upon any Projections or Designs relating to their Business and Duty touching that Matter, that they then lay the same before His Excellency for His Approbation and Consent; and that he would be pleased to take Effectual Care, that the same be put in speedy Execution. Sent up for Concurrence. [28]

An Act in Addition to an Act for Settlement of the Estates of Intestates. Made in the 1st of *William* and *Mary*, passed in Council to be Engrossed, and sent down for Concurrence. Read a 1st time.

An Accompt signed *Samuel Gerrish* amounting to *l.* 6 1 *s.* for Printing Mr. *Webb's* Sermon, by Order of this House. Read and Resolved, That the Sum of *l.* 6 1 *s.* be allowed and paid out of the Publick Treasury to Mr. *Samuel Gerrish*, in full of said Accompt. Sent up for Concurrence.

An Accompt signed *Jonathan Lamb*, amounting to *l.* 6. for Carting Provisions to the Garrison of *Rutland*, &c. Read and Committed.

Mr. *Cooke* from the Committee on the Petition of *Ephraim Angier*, *Francis Bowman* and *Ruth Bowman*, &c. Reported, That the Inhabitants of the Westerly Congregation in *Watertown* be notified of this Petition, to give answer (if they see cause) on Friday 14*th* Instant, why the prayer of the Petition be not granted. And that Mr. *John Stearns* Clerk of that Society be directed to bring their Books of Record touching the Ministers Salary in the Years mentioned in said Petition.

Sent up for Concurrence.

A Petition signed *William Jenkes* of *Providence*, praying, That a Surveyor and Chainmen on Oath may be appointed to run the Lines of the Town of *Mendon*, and to lay out to him 900 Acres of Land, on the condition therein expressed. Passed on in Council *Decemb.* 6. Read and Ordered, That the prayer of the Petition be granted, and that *Samuel Thaxter*, Esq; be appointed to Survey the Town of *Mendon*, and make Report of his doings thereon to this Court.

Sent down for Concurrence.

Read & Concurr'd with Amendment, *viz.* adding these words *so far* granted.

Sent up for Concurrence.

A Complaint being made that the Snow Shoes, &c. preparing for the use of the Province are defective:

Ordered, That Mr. *Jennings*, Mr. *Porter*, and Mr. *Came*, be a Committee to assist Mr. Treasurer in giving Directions about the making of Snow-Shoes and Mogesons, and agree about the prices of them.

Then the House adjourned till to Morrow Morning 9 a Clock.

Veneris 7. die Decembris, 1722.

A*N Act in addition to an Act for the Settlement of the Estates of Intestates;* Made in the First Year of King *William* and Queen *Mary*. Read a 2d time.

A Petition signed *Christopher Osgood* of *Billerica*, as entred the 3d Instant, Read again, and the Question being put, *Whether the House will enter on the consideration of the prayer of this Petition?* It passed in the Negative.

John Wainwright Esq; Mr. *Samuel Little*, and Mr. *Dominicus Jordan*, a Committee appointed by this House to repair to the Frontiers *Eastward*, and take an Account of the state of the Forces there, made their report to the House of their proceeding thereon.

Edward Bromfield Esq; brought down a Petition of *Thomas Drury*, sent up the 5th Instant, passed on in Council, *viz.* Read and Concurred, and Ordered, That *Thomas Fitch* and *Spencer Phipps* Esqrs; be joyned with the Committee of the House. Sent down for Concurrence. Read and Concurred, And that they go in the room of Mr. *Remington*, and Mr. *Chandler*.

Sent up for Concurrence.

An Act for Confirming 3 *Acres of Land Scituate in* Beverly, *unto* Sarah Patch, *one of the Daughters of* John Patch *late of* Beverly, *deceased Intestate*.

Read a 1st time.

According to the Order of the day the Petition of *George Pitts* of *Sudbury*, was Read, and the answer of *Joseph Graves* thereto being Read.

Ordered, That *Richard* and *Joseph Graves* have leave to prosecute their Appeal at the next Superiour Court to be holden at *Charlestown* for the County of *Middlesex*, on the last Tuesday in *January* next, and to enter their Reasons of Appeal according as the Law directs, and upon their failure: The said *George Pitts* have leave to enter his complaint in order to the confirmation of the Judgment, *&c.* obtained at His Majesty's Inferiour Court of Common Pleas holden at *Concord* for the County of *Middlesex* by an Adjournment, on the 19th. of *Sept.* 1721.

Sent up for Concurrence. [29]

A Message by Mr. Secretary, That His Excellency desires the Order he gave to the Committee that were sent to the Eastward, may be returned to him again.

Ordered, That Mr. *Bryant* and Mr. *Tay* go up to the Board and inform his Ex-

cellency, That this House have not received the Order, but that when it is received his Excellency may have a Copy of it, if he please.

A Message by *Edmund Quincey* Esq; That his Excellency desires to speak with *John Wainwright* Esq; a Member of this House.

Ordered, That Mr. *Wainwright* have leave to go up to his Excellency, but that he do not deliver any Original Papers to him: Who returned, That he had waited on his Excellency but not delivered any Papers to him.

A Bill Intituled, *An Act for rendring more effectual the Laws of this Province, for Support of the Ministry;* passed on in Council to be Engrossed, and sent down for Concurrence. Read a 1st time.

A Petition signed *John Harvey* of *Norton*, praying that this Court would set aside a Judgment of the Superiour Court, *&c.* as in the Petition.

Read and dismist.

A Message by Mr. Secretary, That his Excellency expects this House would send him the Original Order he gave to the Commissioners that went Eastward, now the House are possessed of it.

Ordered, That Mr. *Remington* and Mr. *Austin* go up to the Board and acquaint his Excellency, That the House are not possessed of his Original Order to the Committee, but that an Attested Copy thereof was left by *John Wainwright* Esq; Chair-man of that Committee; and if his Excellency please he may have a Copy of it from the file: Who returned, That his Excellency said, He Expected the Original Order, and would not take any Copy at all.

John Appleton Esq; brought down a Petition signed by *Nathaniel Elles* and six other Ministers of the County of *Plymouth*, desiring that the New Precinct belonging to *Middleborough*, might be settled, *&c.* passed on in Council, *viz.* Read and Ordered, That some One of the Justices of the Peace for the County of *Plymouth* do upon application of one or more of the Inhabitants of the New Precinct of *Middleborough*, &c. grant a Warrant for the Calling of a Meeting of the Inhabitants of said Precinct at some convenient Place within the same, some time in the Month of *March* next, to choose a *Committee*, and all other Officers by Law required and necessary for carrying on the Affairs of the Precinct; and that they then proceed to build a Meeting-House, Settle a Minister, and perform all duties that they stand obliged to as a Precinct; and upon neglect of their duty therein, they be obliged to answer at the Court of General Sessions of the Peace in the said County of *Plymouth*. And that the said Court be Directed and Impowered to execute the Laws for the Support of the Ministry upon them, and to inflict the pains and penalties thereby due in case of their neglect of what the Law requires of them as a Precinct, their being part of the County of *Bristol* notwithstanding. And that for the better enabling them to carry on the charge of the Worship of G O D among them, they be impowered to Tax or Assess all the unimproved Lands within the said Precinct at an *Half Penny per* Acre *per* Year, for Six Years

next coming, towards Support of the Worship of GOD in said Precinct. *And it is further Ordered*, That *John Cushing* and *Samuel Thaxter* Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to fix and determine the Place for erecting a Meeting-house in the said Precinct; the Charge of the Committee to be born by the Precinct.

Sent down for Concurrence.

Read and Non-Concurred, and *Ordered*, That the Precinct formerly granted by this Court belong to the County of *Plymouth;* and that on the first Monday in *March* next, they proceed to choose all Town Officers, as obliged by Law. And that Capt. *Jacob Thompson* be directed to issue out his Warrants for the said Meeting. Sent up for Concurrence.

Post Meridiem.

A Message by Mr. Secretary, That His Excellency expects that *John Wainwright*, Esq; one of the Members of this House, attend him at the Council Board.

An Accompt of Expence by the Commissioners that went to deliver the Present to the Six Nations at *Albany*, amounting to *l.* 42 13 *s.* 1 *d.* and signed *Paul Dudley*.

Read and Committed.

A Memorial signed *Edward Winslow*, Sheriff, praying some allowance for his Trouble in repairing His Excellency's House, for Expresses, for attendance on the Delagates, and for sending out Proclamations. Read and Committed. [30]

John Cushing and *Paul Dudley*, Esqrs; brought down a Petition from the New Precinct in *Middleborough*, Non-concurr'd in Council, and adhered to their former Vote. Sent down for Concurrence. Read & Concurr'd.

A Message by Mr. Secretary, That His Excellency has been a long time waiting for Mr. *Wainwright's* coming; & sent to know the reason why he is hindred from coming up.

Mr. *Wainwright* went up; and upon his return reported, That His Excellency demanded the Order from him; and that he answered His Excellency, That the House had ordered him to keep it.

A Petition signed *Robert Pateshal*, &c. praying, That as they had a House burnt down by the Negligence of some Souldiers, belonging to Capt. *Temple* and Lieut. *Harvey*, they may have some allowance for it. Read and Dismist.

Penn Townsend, Esq; brought down a Petition of *Leonard Vassal*, praying, That as he brought over some Negros for the use of his Family, he may have the Impost remitted. Sent down from Council Recommended. Read and Ordered, That the prayer of the Petition be granted.

Sent up for Concurrence.

A Memorial signed *Paul Dudley*, *Samuel Thaxter* and *John Stoddard*, Esqrs; praying some allowance for their Trouble in going to *Albany*.

Read & Committed.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Sabbati 8. die Decembris, 1722.

CHarles *Frost*, Esq; brought down a Petition signed *Leonard Vassal*, passed on in Council, *Decemb.* 7. *viz.* Read and Concurred. Provided, That if the Petitioner shall hereafter dispose of any of the Negros within this Province, he shall pay unto the Commissioner of Impost, the Duty set by Law for the same.

Sent down for Concurrence. Read & Non-concurr'd,

And the House Insist on their own Vote. Sent up for Concurrence.

Whereas a hearing between Sarah Cogswell *and the Trustees, for the use of the School of* Ipswich *was appointed on the 2d Tuesday of this Sessions, but omitted, because* John Wainwright, *Esq; was employed in the Service of this House.*

Ordered, That it be had on the 14th Day of this Month; *John Wainwright* Esq; being returned; and that *Sarah Cogswell* be served with a Copy of this Order.

Sent up for Concurrence.

A Petition signed by *William Card* and 40 others, Souldiers, under the Command of Capt. *Johnson Harman*, praying, That they may be supplyed with what things they have occasion for, by their Captain. Read & Dismist.

A Petition signed *John Read* in behalf of *Cyprian Whipple*, praying, That a Committee of the House may be appointed to search the Records, whether the Grants made to Mr. *Symonds* have been taken up. Read & Dismist.

An Accompt signed *John Wheelwright* amounting to *l.* 50 16 *s.* for billiting of Souldiers, *&c.* Read & Committed.

A Bill Intituled, *An Act rendring more Effectual the Laws for the Support of the Ministry.* Read a 2d time.

Charles Frost, Esq; brought down a Petition signed *George Pitts*, passed on in Council *Decemb. 7th. viz*, Read & Concurred; and that the Justices of the Superiour Court of Judicature be impowered and directed to proceed in the Affair accordingly. Sent down for Concurrence. Read & Concurred.

Ordered, That Capt. *Dyer* go up to the Board, and inquire, whether they have passed upon the Vote of this House for choosing a Committee for War, *&c.*

Who return'd that it had been Read at the Board.

A Bill *for Confirming Three Acres of Land Scituate in* Beverly, *unto* Sarah Patch, *&c.* Read a 2d time.

A Bill *in further addition to an Act for Settlement of the Estate of Intestates.*

Read a 3d time, and Ordered to lye on the Table.

WHEREAS the Resolve of this House passed the 17th of Novemb. *last; and a Message with a Desire to His Excellency for Cloathing a Committee with His Authority to go Eastward, are Connected by the Word* (And) Whereas it was, and ought to have been Printed,

In the House of Representatives: *And the Word* (And) *left out, that so it might plainly appear to be two distinct Votes, as indeed they were.*

Then the House adjourned till Monday next at 4 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [31]

VOTES

Of the House of Representatives.

Lunæ 10. die Decembris, 1722.

Post Meridiem.

MR. *Nathaniel Knowlton* moving, That the Petition presented by Mr. *Cyprian Whipple* might be withdrawn; The Question was put, and it pass'd in the Negative.

A Bill Intituled, *An Act for Confirming Three Acres of Land to* Sarah Patch *of* Beverly, *and to her Heirs for ever.* Read a 3d time. And

Resolved, That the same do pass to be Engrossed.

A Petition signed, *Daniel Tucker* of *Milton*, praying some further Allowance for a Wound Received in the Service of the Province. Read and

Resolved, That the Sum of *l.* 20 be allowed and paid out of the Publick Treasury to the said *Daniel Tucker*, for Two Years past, and the Sum of *l.* 15 *per Annum*, for time to come, to continue during the pleasure of this Court.

Sent up for Concurrence.

In the House of Representatives.

WHereas this House on Thursday last came into a Vote for appointing a Committee to sit in Recess of the General Court, respecting the Management of the War, and sent it up to the Honourable Board for Concurrence. And on Saturday the House sent a Message to enquire, What had been acted thereon by the Honourable Board, Who returned it had been Read, but nothing passed on it:

Ordered, That there be a Committee to go up to the Board and desire that, that Affair may no longer be delayed, for that this House are wholly at a loss what Methods to project till that or something of the like nature be first agreed upon by this Court; the Winter being the Season for Action, and now so far Advanced, that any further delay may prove of ill consequence to this Province.

Sent up for Concurrence by Col. *Chandler*, Mr. *Clarke*, and Mr. *Remington.*

Elisha Cooke Esq; from the Committee of Petitions, Reported on the following Accompts.

On the Accompt of *Jonathan Lamb*, That the Sum of *l.* 6 be allowed and paid out of the Publick Treasury to the Accomptant *Jonathan Lamb*, in full discharge of said Accompt. Read, accepted, and sent up for Concurrence.

On the Accompt of Col. *John Stoddard*, Reported, That they are of Opinion the

Sum of *l.* 27 11 *s.* 5 *d.* be allowed and paid out of the Publick Treasury to Col. *John Stoddard* in full discharge of said Accompt.

Read, accepted, and sent up for Concurrence.

On the Accompt of *Samuel Gookin* jun. Prison-keeper in *Cambridge*, Reported, The Committee are of Opinion, That the Sum of *l.* 40 be allowed and paid out of the Publick Treasury to the Accomptant *Samuel Gookin*, in full discharge of said Accompt. Read, accepted, and sent up for Concurrence.

On the Petition of *Richee* and *Robert Love*. Reported, The Committee are of Opinion, That the Petitioner be entituled to his Servants Wages, and that the Sum of *l.* —— be allowed him out of the Publick Treasury.

Read, accepted. [32]

On the Accompt signed *John Alden*. Reported, The Committee are of Opinion, That the Sum of *l.* 41 7 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to the Accomptant *John Alden*, in full discharge of his said Accompt, the several Articles of charge being what is customary (except his own allowance, which was by Contract.) Read, accepted, and sent up for Concurrence.

On the Petition of *Elizabeth Smith*. Reported, That they were of Opinion, That the Sum of *l.* 16 13 *s.* 8 *d.* be allowed and paid out of the Publick Treasury to the Petitioner *Elizabeth Smith*, in full of what was due to her Husband, and to her since his Death: And that the respective Sums charged to the said *Ovid Rushbrook* and *John Blin* be added to the Bills of Cost, and paid by them before discharged.

Read, accepted, and sent up for Concurrence.

On the Petition of *John Larrabe*. Reported, That the Petitioner be allowed and paid out of the Publick Treasury the Sum of *l.* 8 13 *s.* 6 *d.* in full of his Service mentioned in the within Petition to the 29th day of *November* last, at 5 *s.* *per* Week.

Read, accepted, and sent up for Concurrence.

On the Petition of *Daniel Maccoon*. Reported, The Committee are of Opinion, That the Sum of *l.* 10 be allowed and paid out of the Publick Treasury, (and put into the hands of *Jonathan Remington* of *Cambridge* Esq;) for the use of the Petitioner *Daniel Maccoon*, in consideration of Money paid by him for the Wound he received in the Service, and loss of time.

Read, accepted, and sent up for Concurrence.

On the Memorial of *Paul Dudley*, *Samuel Thaxter*, and *John Stoddard* Esqrs; The Committee are of Opinion, That the Sum of *l.* 15. be allowed and paid out of the Publick Treasury to *Paul Dudley*, Esq; and the Sum of *l.* 18 to *Samuel Thaxter* Esq; for his Horse-hire (not being charged in their former Accompts) And *l.* 12 to *John Stoddard* Esq; for himself and Horse-hire: He being not so long on the Journey. Read, accepted, and sent up for Concurrence.

Upon Reading the Report of the Committee that went to the Eastward, *and observing sundry evil Practices committed among the Forces there:*

Resolved, That Mr. *Cooke*, Mr. *Stoddard*, Mr. *Clarke*, Mr. *Menzeis*, Mr. *Stone*,

Mr. *Dudley*, and Mr. *Wainwright*, be a Committee to consider thereof and report to the House, what they think proper to be done thereon.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Martis 11. die Decembris, 1722.

AN Accompt signed *John Wainwright*, in behalf of the Committee sent to the *Eastward*, amounting to *l.* 76 5 *s.* 7 *d.* for Disburstments, Expences and for their time. Read and

Resolved, That the Sum of *l.* 76 5 *s.* 7 *d.* be allowed and paid out of the Publick Treasury to *John Wainwright*, Esq; *&c.* in full discharge of said Accompt.

Sent up for Concurrence.

A Bill Intituled, *An Act for rendring more Effectual the Laws for the Support of Ministers.* Read a 3d time and dismist.

Whereas a Committee was appointed the 26th. of May *past, to Survey some Lands belonging to the Province lying between* Brookfield *and the Equivalent Lands in the County of* Hampshire:

Ordered, That the said Committee be revived, and they proceed to Survey the said Land, and make their report to this House at the *May* Sessions.

Nathaniel Pain Esq; brought down a Memorial signed *Samuel Moodey*, praying, That as several complaints have been exhibited against him at the Sessions in *August* last, he may have a day assigned him to be heard. Passed on in Council, *Decemb.* 10th. 1722. *viz.* Ordered, That the Memorialist be heard before the whole Court on Friday next, at 3 a-Clock afternoon, and that the Complainants be Notified to attend accordingly. Sent down for Concurrence.

Read and Non-Concurred. [33]

Ordered, That Mr. *Dudley* go up to the Board and desire that the Evidences against Mr. *Moodey* may be sent down.

Penn Townsend, *Thomas Hutchinson* and *Adam Winthrop*, Esqrs; brought down a Vote of this House, on *Decemb.* 6th Passed on in Council, *viz.* Read and Unanimously Non-Concurred, for as much as the Board conceives the Administration of this Government, in the Recess of the General Court is by the Royal CHARTER vested in the Governour and Council; and they cannot apprehend it consistent with their duty to give up the trust thereby reposed in this Board into the hands of a Committee, as proposed.

And whereas the Board are equally desirous with the Honourable House, That the present War may be prosecuted with utmost Vigour, and soon brought to a happy issue:

Resolved, That *William Tailer*, *John Appleton*, *Thomas Fitch* and *Edmund Quincey*, Esqrs; with such as the Houourable House shall appoint, be a Committee to consider and project such Methods as by the blessing of GOD may be most

Effectual for the pursuing and prosecuting the *Indian* Rebels and Enemy during this Winter Season, and make Report to this Court as soon as may be.

Sent down for Concurrence.

Read and Unanimously Non-Concurred, and

Ordered, That Mr. *Cooke*, Mr. *Dudley*, and Mr. *Chandler* be a Committee to draw up the reasons why this House has Non-Concurred with the said Vote.

Samuel Partridge Esq; brought down the Evidences given in *August* last against Major *Moodey*.

Paul Dudley Esq; brought down a Bill *for Confirming Three Acres of Land to* Sarah Patch *of* Beverly. Passed on in Council with amendment, *viz. for ever*, instead of *in Fee*. Sent down for Concurrence. Read and Concurred.

Post Meridiem.

A Petition signed *Thomas Palmer*, *Jonas Rice*, *Henry Lee*, Committee for the Town of *Worcester*, praying, That they may be enabled to lay a Tax of 5 *d. farthing* per Acre on the Lands of the Resident and non-resident Proprietors, to finish their Meeting-House, *&c.* Read & Dismist.

A Petition signed *Jacob Tilton* and *Daniel Tilton* of *Ipswich*, praying some allowance for the Wounds they received on board their Shallop, the 14th of *June* last. Also an Accompt signed *Thomas Berry* amounting to *l.* 12 5 *s.* for Curing their Wounds. Read and

Ordered, That the Sum of *l.* 12 5 *s.* be allowed and paid out of the Publick Treasury to *Jacob* and *Daniel Tilton* on account of the Charge they have been at to Cure their Wound. Sent up for Concurrence.

Mr. *Edward White* and *John Quincey*, Esq; a Committee appointed by this House to repair to the Western Frontiers and take an account of the number of Souldiers in the several Garrisons, Returned, and made their Report.

Nathaniel Pain, Esq; brought down an Accompt of the Charges in making the Small Bills, with the Remainder of them.

Then the House adjourned till to Morrow Morning 9 a Clock. [34]

Mercurii 12. die Decembris, 1722.

MR. *Cooke* from the Committee appointed to prepare the Reasons of this House Non-concurring with the Vote of Council to the Order of this House of *Decemb*, 6. Reported, *viz.*

And the House Insist upon their former Vote, for that they are humbly of Opinion, had the Vote passed a Concurrence at the Honourable Board, and been Consented to by His Excellency the Governour, it had been agreeable to the Usage and Practice of this Government from time to time, and what this General

Court did at the Session in *May* last past; and the Power and Authority reposed in the Governour and the Great and General Court, by the Royal CHARTER will sufficiently Justify and Maintain such a proceedure, they being fully impowered to Make, Ordain and Establish all manner of Wholesome and Reasonable Orders, that they shall judge shall be for the Good and Welfare of this Province, and the necessary Support and Defence thereof. So that if the aforesaid Vote had such a Tendency to promote the Publick Good, as may be easily demonstrated it had, it is not only the Privilege but Interest of this Court to come into the same, and what even the Charter enjoyns: And where the Charter declares the Governour with the Councellors, or Seven of them at least, may keep a Council for the Ordering and Directing the Affairs of the Province; it must necessarily intend in the Recess of the General Court. And the Power and Authority given them, in no degree coming up to what is in the Great and General Court: Wherefore We cannot presume it to be Inconsistent with the Duty of the Honourable Board, would they Joyn with the House in that Affair; for should that become the Act and Resolve of this whole Court, the Council would still Remain to be of Advice and Council to His Excellency the Governour, and capable of discharging the Trust reposed in that Board, and the Administration in the Absence of the General Court, no ways enfeebled or broke in upon.

Read accepted, and Sent up for Concurrence.

Ordered, That Mr. Secretary forthwith Issue out Warrants Directed to a Messenger, to Summon the several Persons that gave in their Evidences against Maj. *Samuel Moodey*, the last Sessions of this Court in *August* last, to appear before this present Sessions of the General Court next Wednesday; and that the Secretary further give out Summons to the said Messenger, to appear before this Court the same time, the Persons following, *George Darling* of *Charlstown*, *Samuel Cobb* now of *Glocester*, late Town-Treasurer of *Falmouth*, *Jacob Collens* of *Lynn*, *Daniel Ingorton* of *Boston*, *Henry Neuell* now of *Boston*, and *John Haggat* of *Medford*, to give in their respective Evidences of what they know touching the Management of Maj. *Moodey* and his Company, and the several Complaints laid before this House against him. Accepted.

Ordered, That Mr. *Came* go up to the Board to desire that the Vote of this House for allowing *l.* 125 to Capt. *Johnson Harman* and Company. Passed *August* 16th, may be sent down. Sent down, and

Ordered, That the Sum of *l.* 125 be allowed and paid out of the Publick Treasury, to Capt. *Johnson Harman* and the Company that were with him, and assisted in destroying so many of the Indian Enemy at *Merry-meeting-Bay*, *viz. l.* 25 to Capt. *Harman* for his Reward, and the remaining *l.* 100 to be equally divided among the Men that assisted in that Affair. Sent up for Concurrence.

An Accompt signed *Samuel Patridge* amounting to *l.* 47 3 *s.* 4 *d.* for Billeting Men, and Scouts sent abroad, *&c.* Read and Committed.

An Accompt signed *S. Jordan* amounting to *l.* 10 3 *s.* 6 *d.* for Billeting Expresses, *&c.* Read and Committed. [35]

Post Meridiem.

Nathaniel Pain, Esq; brought down a Vote of this House for a Committee to Prosecute the War. Passed on in Council. *Decemb.* 12. 1722. Read and unanimously Non-concurr'd, and the Board adhere to their former Vote.

Sent down for Concurrence. *J. Willard*, Secr.

An Accompt signed *Edward White* and *John Quincey*, Committee for the Western Frontiers, amounting to *l.* 33 17 *s.* 6 *d.* for their Expence and Time in attending the Order of this House in visiting the Western Frontiers. Read and

Resolved, That the Sum of *l.* 33 17 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to Mr. *Edward White* and *John Quincey*, Esq; in full Discharge of said Accompt. Sent up for Concurrence.

A Memorial of the President and Fellows of *Harvard College*, praying, That they may be heard on the Vote of this House, passed the 22d of *November;* and a Day given them to wait on the General Assembly, as in their Wisdom they shall see meet, *&c.*

Read and Dismist, for that the Prayer of the Memorial is altogether groundless, and no ways to be justified.

Ordered, That a Message be sent to the Honourable Board, to inquire whether the Vote of this House passed *Nov.* 22*d*, relating to the College, be passed upon by the Board.

The Committee appointed to examine the Treasurer's Accompts of Money Paid and Disbursted for Provisions, Cloathing, *&c.* for His Majesty's Forces, Eastward and Westward. Have Examin'd the same, and find them right Cast, and well Vouched by Bills of parcels produced, and are Issued out by the several Indents laid before us, and all proved by an Accompt of Species exhibited; the Ballance of which Accompt of Provisions remains in the Treasurer's Store, to be Issued, being Thirty five Barrels of Pork, and Three Hundred and thirty two Bushels of Pease. *William Clark*, by Order of the Committee.

Read accepted and

Resolved, That the Sum of *l.* 9544 8 *s.* 5 *d.* be allowed and paid out of the Publick Treasury to *Jeremiah Allen*, Esq; Treasurer, in full Discharge of his said Accompt.

Sent up for Concurrence.

An Accompt signed *Barth. Green*, amounting to *l.* 79 11 *s.* for the Charges Expence and Trouble, in making the 1 *d.* 2 *d.* 3 *d.* Bills. Read and

Resolved, That the Sum of *l.* 79 11 *s.* be allowed and paid out of the Publick Treasury to *Barth. Green*, in full Discharge of his said Accompt.

Sent up for Concurrence.

Ordered, That the two Committees that were sent to the Eastern and Western Frontiers, be directed to draw up a Journal of their Actions; and Report the Observations they made, of the state of the several Garrisons where the Forces were posted as they came to them, and lay the same before this House.

Ordered, That Mr. *Cooke*, Mr. *Dudley*, Mr. *Stoddard*, Mr. *Came*, and Mr. *Dyer* be a Committee of this House, to joyn with such as the Honourable Board shall appoint, to consider of, and propose some Methods, that may (by the Blessing of GOD) be most effectual to Pursue and Prosecute the Indian Enemy and Rebels, and make Report to this Court, as soon as may be.

Sent up for Concurrence by Mr. *Holbrook* and Mr. *Johnson*. [36]

A Petition signed by 8 of the Inhabitants of *Newton* in the County of *Middlesex*, praying, That they may have a Hearing on the Five Families that were taken from their Town, and added to *Roxbury*, &c. Read & Dismist.

A Message by *Thomas Fitch* and *Jonathan Belcher*, Esqrs; *viz.* The Board being much concern'd, that there should be any Delay in the Affair relating to the Prosecution of the War against the Eastern Indians, and having Voted a Committee to join with a Committee of the Honourable House for that purpose, have sent down to inquire if the House have passed on that Vote.

Then the House adjourned till to Morrow Morning 9 a-Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [37]

VOTES

Of the House of Representatives.

Jovis 13. die Decembris, 1722.

A Petition signed *Samuel Willard*, praying that as several complaints were made to the Committee of the Western Frontiers against him as Sergeant of the Forces, *&c.* at *Lancaster*, he may be heard thereon to take off the reproaches cast on him. Read and dismist.

An Accompt signed *William Patten* amounting to *l.* 19 14 *s.* 6 *d.* for Entertaining the House when they treated the Delegates of the Six Nations. Read and

Resolved, That the said Sum of *l.* 19 14 *s.* 6 *d.* be allowed and paid out of the Publick Treasury unto the said Mr. *William Patten* in full discharge of the said Accompt. Sent up for Concurrence.

Elisha Johnson was admitted into the House, and Mr. Speaker asking him the reason why he had not built the Two Bridges over *Blackston*'s-River according to the Order of this Court. Answered That he had all the Materials ready for building and finishing them, only wanted a Committee to appoint the Place where they should be fixed, and he would comply with the Orders of the Court. *Whereupon:*

Ordered, That Mr. *Chandler*, Mr. *Ward*, and Mr. *Whittemore* be a Committee of this Court to repair to *Hasanamisco*, and state the Places where the Bridges must be built: And to lay a Road to them as far as the Province Land, and the *Indian* Grant extends, and make their Report to this Court.

Sent up for Concurrence.

Post Meridiem.

A Petition signed *Jared Talbot*, praying, That as an Execution was granted against him on account of *Nathaniel* & *Timothy Holloway;* which Execution was suspended by the General Court for a time, may be made perpetual. Passed on in Council, *December* 12th. *viz.* Upon application made by *Nath Holloway* (now a Prisoner in *Bristol* Goal on Execution) desiring that the consideration of this Petition may be deferred to *May* Sessions. Voted, That *Nathaniel* & *Timothy Holloway* give in their answer to this Petition on the Second Wednesday of the said Sessions (if they see cause) and that the Petitioner Notify them of this Vote.

Sent down for Concurrence. Read and Concurred.

Ordered, That this House will, tomorrow Morning consider the several Evidences given in against Col. *Joseph Buckminster*.

Then the House adjourned till to Morrow Morning 9 a Clock.

Veneris 14. die Decembris, 1722.

AN Accompt signed *George Pemberton*, amounting to *l.* 31 17 *s.* 6 *d.* for Medicines and Attendance on the Souldiers at Castle *William.*

Read & Committed.

An Accompt signed *Lawrence Clauson*, amounting to *l.* 1 3 *s.* 1 *d.* charges on the Delegates at *Springfield.* Read, accepted, and

Resolved, That the said Sum of *l.* 1 3 *s.* 1 *d.* be allowed and paid out of the Publick Treasury to Mr. *Luke Hitchcock*, on account of said *Lawrence Clauson.*

Sent up for Concurrence.

An Accompt signed *Tyms Tillymirick* of *Brookfield*, amounting to *l.* 2 18 *s.* 5 *d.* for entertaining the Delegates in coming down. Read and

Resolved, That the Sum of *l.* 2 18 *s.* 5 *d.* be allowed and paid out of the Publick Treasury to *Tyms Tillymirick* in full discharge of said Accompt.

Sent up for Concurrence.

Then the House according to the order of the Day, proceeded to consider the Evidence given in against Col. *Joseph Buckminster*, and his answer to them. And after the Evidences were all Read again: The following Questions were put. [38]

Whether Col. Joseph Buckminster *did receive Money for dismissing Men after they were Impressed by their respective Captains, and delivered to him?*

It passed in the Affirmative.

Whether such Practices can be justifyed by Law? &c.

It passed in the Negative, Unanimously.

Whether Col. Buckminster *can be justifyed in taking* 40 *s. from* Isaac Whitney of Concord? And It passed in the Negative.

Whether Col. Buckminster *has not unjustly detained Billeting Money from Four* Concord *Men, viz.* Whitney, Druce, Cleveland *and* Dahin?

It passed in the Affirmative.

Then the Question was put, *Whether* Col. Joseph Buckminster *has not by such corrupt Practices rendred himself unworthy to sit any longer as a Member of this House?* And it passed in the Affirmative.

Mr. *Cooke* from the Committee for Petitions, Reported on the Petition of *Martha Gray.* That the Sum of *l.* 10. be allowed and paid out of the Publick Treasury to the Overseers of the Town of *Boston* for the use of the said *Martha Gray*, for her relief. Read, accepted, and sent up for Concurrence.

Post Meridiem.

Samuel Sewall and *Nathaniel Pain* Esqrs; brought down the *Shewawet* Petition, and desired the Vote of this House might be Re-considered: Also Two Petitions signed by the Inhabitants of *Swanzey* and *Shewamet*, praying, That as the

Governour and Council have annexed the Town of *Shewamet* to the Town of *Swanzey*, the House of Representatives would Concur with them.

Read and dismist, because it is an Affront to this House, and tends to create a Misunderstanding between the Two Houses.

A Petition signed *Simeon Stoddard*, & *Edward Hutchinson*, Trustees for the Town of *Hopkinston*, praying, That the said Town may be impowered to Elect Town Officers, *&c.* and a Tax on such persons as have Lands lying in said Town, *&c.* Read and dismist.

An Engrossed Bill Intituled, *An Act for confirming three Acres of Land to* Sarah Patch *of* Beverly, *&c.*

Read and Resolved, That the same do pass to be Enacted.

A Petition signed *Joshua South* of *Duxbury*, praying he may be allowed *l.* 4 15 *s.* for keeping a strange Indian that dyed at his House. Read and Dismist.

An Accompt signed *Eleazer Tyng*, amounting to *l.* 4 18 *s.* for transporting Provisions to his Garrison. Read & Committed.

Adam Winthorp, Esq; brought down some present Proposals of the Committee appointed for considering the most effectual Methods to Prosecute the War, which were Read in Council, accepted with Amendments, and sent down for Concurrence. *J. Willard*, Secr.

Read & Concurred with Amendment. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Sabbati 15. die Decembris, 1722.

S*Amuel Brown*, Esq; brought down a Memorial of the Trustees of the School of *Ipswich* against *Sarah Cogswell*, Passed on in Council, *Decemb.* 14. *viz.* A Hearing having been had before both Houses on this Memorial, Ordered, That it be Dismist. Sent down for Concurrence.

An Accompt signed *Samuel Tyley* amounting to *l.* 8 7 *s.* for Writings done for this Court, *Anno*, 1722. Read & Committed.

A Petition of the East-Society of *Taunton*, North-Purchase, praying, That they may be made a Precinct, or rather a Township, That their Divisional Line may be established and their Province Tax released for some Years. Read.

Samuel Patridge, Esq; brought the Proposals of the Committee, passed on in Council, with further Amendment, and sent down for Concurrence.

Read & Concurr'd, with further Amendment.

Sent up for Concurrence.

Ordered, That Mr. *Quincey* go up to the Honourable Board, and inform them that this House has no Business lying before them.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722. [39]

VOTES

Of the House of Representatives.

Lunæ 17. die Decembris, 1722.

Post Meridiem.

EDward *Bromfield* Esq; brought down a Petition signed *Ephraim Angier, Francis Bowman*, &c. passed on in Council, *Decemb.* 15th. 1722. *viz.* Ordered, That *Jonathan Dowse* Esq; with such as the Honourable House of Representatives shall appoint be a Committee to enquire into the Matters contained in this Petition, and Report to this Court what they think proper to be done; Unless the Parties do in the mean time comprimise their difference.

Sent down for Concurrence.

Read, and Concurred, and *Jonathan Remington* and *Charles Chambers* Esqrs; be added to him. Sent up for Concurrence.

An Accompt signed *Jabez Fairbankes*, amounting to *l.* 18. 5 *s.* 6 *d.* for conducting 19 Indians to *Hatfield* by Order of this Court, and Expences on them.

Read and Committed.

Ordered, That Mr. *Chandler* go up to the Honourable Board and inquire, Whether they have Concurred to the Proposals of the Committee for War.

A Bill Intituled, *An Act to prevent the Oppression of Debtors.*

Read a 1st time.

Then the House adjourned till to Morrow Morning 9 a Clock.

Martis 18. die Decembris, 1722.

UPon a Motion made by Mr. *Ebenezer Stone*, That the Petition presented by several Inhabitants of *Newton*, may be Re-considered.

Ordered, That it be referred to the Second Wednesday of next *May* Sessions, that a Hearing be had thereon, and that the adverse Parties be served with a Copy thereof to shew forth why the prayer thereof should not be granted.

Sent up for Concurrence.

The following Questions proposed by Mr. *Cooke:*

Whether by the Act Intituled, An Act for Commissioners of Sewers, *Made and Passed at a Session of the Great and General Court at* Cambridge, October 15th. 1702. *The Commissioners can Warrant and Defend the pulling down or laying waste Mill-Dams?* And

Whether the Act Intituled, An Act in addition to an Act for Upholding and Regulating of Mills, *passed at a Session of the General Court at* Boston, February

10th. 1713. *Hath not pointed out a sufficient Remedy for Persons Injured in their Propriety of Lands by Mills Stopping or Raising the Water?* Read, and Referred to further Consideration on Friday next in the Forenoon.

John Wheelwright Esq; brought down the Report of the Committee of War, further passed on in Council, *viz. Decemb.* 17th. The Amendment of the House, *viz.* [*Chosen and Appointed by this General Court.*] Non-concurred, and in the room thereof the following words, *viz.* [*According to the Direction of the Royal Charter.*] Sent down for Concurrence, *J. Willard*, Secr.

Read and Non-concurred, and the House Concur with the Honourable Board in accepting the Report of the Committee with their first Amendment.

Sent up for Concurrence. [40]

Mr. Secretary brought down a Vote of this House for granting *l.* 125. to Capt. *Harman*, and his Men, *&c.* (passed the 12th Instant, and Sent up for Concurrence:) Concurred in Council and Consented to by his Excellency, with a Message, That as some Officers were with Capt. *Harman* in that Action, the *l.* 100. may be divided among the Officers and Souldiers that assisted in that Action in proportion to the pay of Officers and Private Centinels.

Read and Sent up.

Mr. *Cooke* from the Committee Reported:

On the Accompt of *Samuel Tyley*, That the Sum of *l.* 8 4 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to the Accomptant in full of said Accompt, he having charged 2 *s.* 6 *d.* for a Private Act, which ought not to be allowed.

Read, accepted, and sent up for Concurrence.

On the Accompt of *Edward Winslow*, Sheriff: The Committee are of Opinion, That the Sum of *l.* 19. be allowed and paid out of the Publick Treasury to the Petitioner *Edward Winslow*, Sheriff, for his Service mentioned therein.

Read and not accepted, and then each particular Article in the Accompt were put to Vote for payment. They passed in the Negative.

Post Meridiem.

A further Proposal of the Committee for War, *viz.* That the Government of *New-Hampshire* be desired to send their Quota *Eastward*, brought down from the Board, passed on the 17th. Instant, *viz.*

Read, accepted, and sent down for Concurrence.

Read and Concurred.

A Petition from the Inhabitants of *Swanzey*, praying, That *Shewamet* may be annexed to their Town. Read and the Agents of *Swanzey* being admitted

into the House, Declared, That the Inhabitants of *Swanzey* were willing that *Shewamet* should be added to them: Then,

The Vote of Council sent down the 14th. Instant was Read again, and Non-concurred, and Ordered, That the further consideration of the Petitioners be referred to the next *May* Sessions. Sent up for Concurrence.

A Bill *to prevent the Oppression of Debtors.* Read a 2d time.

A Petition signed *Thomas Westbrook*, praying, That as he has been at great Charges in raising Voluntiers to go against the Enemy as *per* Accompts exhibited, he may have some further Allowance for the same. Also

A Petition signed by *John Keen* and 9 others, Souldiers, under Command of said Capt. *Thomas Westbrook*, complaining of the hard Usage they met with under him, *&c.* Both Read & Committed.

A Petition signed *Benja. Smith* of *Taunton*, Hogreeve, *Anno* 1721. shewing how he hath suffered in the Execution of his said Office, and praying he may have liberty to review his Action tryed at the Inferiour Court at *Bristol;* that a special Jury may be appointed. And further prays the Opinion of this Court, *Whether his Oath as an Hogreeve is not by Law, a sufficient proof in such Cases?* &c.

Then the Question was put, (upon the Act for the better Regulating of Swine,) *Whether the Officer or Hogreeve be a legal Evidence to Convict the Owner of the Hogs, notwithstanding his receiving benefit by the Fine or Forfeiture?* And

It passed in the Affirmative. Sent up for Concurrence.

The House being informed that Col. *Walton* is come from the Eastward:

Ordered, That Mr. *Johnson* and Mr. *Knowlton* wait upon his Excellency the Governour, and desire him to give his Order, That Col. *Walton* attend this House to Morrow in the forenoon.

Then the House adjourned till to Morrow Morning 9 a-Clock. [41]

Mercurii 19. die Decembris, 1722.

ORdered, That Mr. *Dudley*, Mr. *Quincey*, Mr. *Wainwright*, Mr. *Remington*, and Mr. *Chambers*, be a Committee to Examine the several Muster-Rolls presented to the House, and to make their Reports on them.

Mr. *Cooke* from the Committee of Petitions, Reported, on the Accompt of *Jabez Fairbanks*, they are of opinion, that the Sum of *l.* 8 5 *s* 6 *d.* be allowed and paid out of the Publick Treasury to the Accomptant, in full discharge of his Accompt, he having received *l.* 10 already.

Read, accepted, and sent up for Concurrence.

A Petition signed *John Halloway*, *Abraham Halloway* and *Eleazer Walker*, all of the County of *Bristol*, praying, That they may be impowered to Sue and Prosecute an Action or Actions against *Timothy Halloway*, for their Right in some Lands Sold to them, *&c.* Passed on in Council *Decemb.* 15*th*, *viz.* Voted, That

the Petitioners be enabled to bring forward, and Prosecute in Law, a Writ or Action of Ejectment in their own Names, and also in the Name of *Nathaniel Halloway* their Partner; althô he refuse to join with them therein, against *Timothy Halloway*, or the Tenant in Possession of the Land mentioned in the Deed of Purchase, referred to in the Petition, or any part thereof; and in case they recover Judgment, in such Judgment for Possession to take out Execution accordingly. And the Justices of the Inferiour Court of Common Pleas for the County of *Bristol*, are hereby directed to receive and determine the said Action accordingly. And in case any Appeal be allowed on the Judgment of the Inferiour Court, the Justices of the Superiour Court of Judicature, to be Holden for the said County of *Bristol* in *September* next, are also impowered and directed to hear and determine such Appeal: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read & Concurr'd.

Mr. *Cooke* from the Committee appointed the 10th Instant to consider the several Accompts brought from the Eastern and Western Frontiers, made their Report thereon, which he read in his Place, and delivered in at the Table, which were Read and Accepted.

An Accompt signed *Nathaniel Pain* amounting to *l.* 11 15 *s.* 5 *d.* for subsisting 27 Men from *Bristol* to *Boston*, *July* 9th past; and for subsisting 13 Men down, *August* 9th past. Read and

Resolved, That the Sum of *l.* 11 15 *s.* 5 *d.* be allowed and paid out of the Publick Treasury to Col. *Nathaniel Pain*, in full Discharge of the said Accompt.

Sent up for Concurrence.

Ordered, That the Messenger of this House be directed to acquaint Maj. *Moodey*, Capt. *Temple*, Capt *Sheply*, and the Treasurer's Officer, That this House expects they render a Reason, why they have not complyed with the Order of this House in rendring an Account of the several Slops, *&c.* they have supplyed their Souldiers with.

Upon a Motion from the Committee appointed by this House, to examine the Muster-Rolls. The Question was put, *Whether a Person prick'd, run in any Muster Roll, be allowed pay on that Roll?* And It passed in the Negative.

Ordered, That Mr. *Dwight* go up to the Honourable Board, and inquire, whether they have acted on the Report of the Committee for War.

A Bill *for preventing the Oppression of Debtors.* Read a 3d time, and

Resolved, That the same do pass to be Engrossed.

Sent up for Concurrence.

An Accompt signed *Thomas Sanders* Master of the Sloop *Merrymeeting*, imployed in the Service of the Province amounting to *l.* 150.

Read & Committed.

A Petition signed *James Blin*, praying this Court would give him the two Indians he took Prisoner, and some further Allowance, *&c.* Read. [42]

Post Meridiem.

Mr. *Johnson* from the Committee, Reported, That they had waited on His Excellency, to desire, that Col. *Walton* might appear before this House; and that His Excellency returned, He would give no Orders for his appearing before them; and that if his Officers are to answer for any thing, it should be before the General Court.

Ordered, That Mr. *Flag* wait on Col. *Walton* and inform him, that this House expects he attend them according to their Orders to him. .

Who returned he was ready at the Door.

Col. *Walton* accordingly was admitted in; and the Vote of the House on the 4th Instant, was Read unto him. Who answered, That his Account was ready to be laid before the House, but he could not get leave from the Governour to lay it before them.

Ordered, That Mr. *Clarke* and Mr. *Dwight* go up to His Excellency and desire, that he would Order the Journal sent him by Lieut. *Hilton*, and his Men; more especially the Account of the 3 *Indians* discovered at *Penobscot-River*, to be laid before the House.

Who returned, That His Excellency made them no Answer.

A Message by Mr. Secretary, That his Excellency has Ordered me to acquaint this Honourable House, That Col. *Walton* being sent for by his Order, at the Desire of the House, is now in Town, and ready to Answer to any Complaints or Objections to his Conduct in the Service of the Province, to the Eastward, and that His Excellency proposes that he be heard before the whole Court to Morrow in the Afternoon.

A Message by *John Appleton*, Esq; That his Excellency has no Account from Lieut. *Hilton* lying before him; but that he is in Town, and he will send for him.

And that His Excellency & Board were ready to attend the Hearing on Maj. *Moodey*'s Petition.

Ordered, That Capt. *Dyer* go up to the Board and acquaint Mr. Secretary, That this House would speak with him.

Mr. Secretary came down accordingly, and informed the House, that he had sent his Summons to the several Witnesses and supposed they were all attending, except those in the Province of *Main*.

Then Mr. Speaker and the House went up to the Hearing of Maj. *Moodey*'s Petition; and after a full Hearing, return'd to their Chamber.

Then the House adjourned till to Morrow Morning 9 a-Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [43]

VOTES

Of the House of Representatives.

Jovis 20. die Decembris, 1722.

A Petition signed *Marmaduke Kemp*, a Sailor wounded at *Casco*, under the Command of Capt. *Jephon*, praying some Charity from this Court to carry him home for *London*. Read and

Resolved, That the Sum of *l.* 6 be allowed and paid out of the Publick Treasury to Mr. *William Clark*, to be imployed for the use of the said *Marmaduke Kemp*, in order to get him a passage home. Sent up for Concurrence.

A Petition signed *George Darling* a Souldier Wounded, in guarding the Inhabitants of *Arrowsick*, and praying some allowance for his Wound.

Read and dismist.

Ordered, That Mr. *Wainwright* go up to the Honourable Board and inquire, What hath been done on the Report of the Committee for War.

The Committee appointed to go to the Eastern and Western Frontiers, *&c.* gave in the several Reports of their doings to the House, which were Read, Accepted by the House. And

Resolved, That the said Committees have well and faithfully performed the duty and trust reposed in them.

In the House of Representatives.

Decemb. 20*th.* 1722.

THis House taking into consideration some part of his Excellency's Speech at the opening of the Session, respecting Deserters; and being informed of great Abuses practiced by the Officers in the Service and Pay of this Government, Did on the 17th. *of* November *last past appoint a Committee to go* Eastward, *to inquire into the same, and Report how they fiud things. And on the same Day desired his Excellency's Order to the Officers respecting that Affair, in the words following*, viz.

"*Whereas this House have been informed of Repeated Abuses and Mismanage-*
"*ments among the Forces now in Pay, tending to the dishonour and damage of the*
"*Government, and are desirous to use all proper and suitable Methods for the full*
"*discovery thereof, and to effect the same, Have sent a Committee from the House to in-*
"*quire into those Rumours, and Report how they find things:*

"We the Representatives do most earnestly desire Your Excellency's Orders
"by the said Committee to the Commanding Officer, and all others in Command
"there, to pay all proper deference to the Vote and Order of this House respect-
"ing that Matter. Sent by Mr. *Menzeis*, Mr. *Spurr*, and Mr. *Dyer*.

And the Governour's Order thereon was in the words following:

Boston, Novemb. 17th. 1722.

To the Officer, Commander in Chief at the Eastward.

I Do hereby give Orders to the Commanding Officer, and all other Inferiour Officers, to pay deference to the Committee; and do expect that the Committee lay first before me that Report as Captain General, and afterwards upon desire of the House of Representatives, it shall be laid before them. [44]

And on Tuesday following came into a Vote appointing a Committee to go to the *Western* Frontiers, for the aforesaid Ends and Purposes, and in the same Way and Method that the *Eastern* Committee proceeded in.

This House having now Maturely Read over the Returns of those Committees, and duly examined several Matters touching the Muster-Rolls, and other things got into practice among the Forces.

The Committee observe on the Muster-Roll of Capt. *Francis Barker*, signed by himself:

That Ten Men were absent on Furlow, One of which upwards of Two Months; Another more than Six Months, besides one Man more that the Committee carried to his Port, who informed them, That he had been absent above Eight Weeks: and in the same Roll Five Men have been discharged from the Service, Four of them by advice of Maj. *Moodey*, the other by the Captains own order. And that Five Men belonging to the County of *York*, (exclusive of *Sawyer* the Ferry-man) are born on that Roll.

On the Muster-Roll of Capt. *Edmund Ward*, signed by himself:

That Fifteen Men have been discharged from the Service, Four of whom by the Captain General, One by Col. *Walton*, One by Maj. *Moodey*, the rest by himself: And that Ten of the Men born on his Roll belong to the County of *York*.

On the Muster-Roll of Capt. *Johnson Harman*, sign'd by himself.

That Six Men are absent on Furlow, his Lieut. being One, which as the Capt. inform'd had not been on duty Six Weeks since he belong'd to his Company. Eight Men discharged from the Service, Six by the Captain General, and Two by Maj. *Moodey*, Six and Twenty Men belonging to the County of *York*, including the Twenty Men taken in by a Resolve.

On the Muster-Roll of Capt. *Robert Temple*, sign'd by his Lieut. —— *Carlile*.

We find Four of the County of *York*, and Six Men entred as Servants to Capt. *Temple*.

On the Muster-Roll of Maj. *Samuel Moodey*, sign'd *Joshua Moodey*, Lieut.

That Five Men are absent on Furlow, Fourteen Men belonging to the County of *York*.

On the Muster-Roll of Lieut. *William Hilton*,
sign'd by himself.

That Eight Men were received into his Company belonging to the County of *York*.

On the Muster-Roll of Capt. *John Penhallow*,
sign'd by himself.

That Four Men are absent on Furlow, Six discharged, Three by Maj. *Moodey*, One by the Captain General, the other by himself, and Twenty Men belonging to the County of *York*.

On the Muster-Roll of Capt. *John Shipley*,
sign'd by his Lieut. *Joseph Buckminster*.

That Seven of his Men are absent on Furlow.

On the Muster-Roll of Col. *Shadrack Walton*,
sign'd by himself.

That Seven Men are absent on Furlow, Four Men discharged from the Service by Col. *Walton*.

On the Muster-Roll of *Josiah Winslow*, Lieut. sign'd by him.

That Seven Men are absent on Furlow, and Two belonging to the County of *York*.

On the Muster-Roll of Lieut. *Benjamin Poole*,
sign'd by himself.

That Five Men are absent on Furlow, and Five belonging to the County of *York*. [45]

On the Muster-Roll of *Jeremiah Moulton*, sign'd by him.

That Three Men are absent on Furlow, and Six belonging to the County of *York*.

On the Muster-Roll of Capt. *John Richmond*, sign'd by Lieut *John Harvy*,
and Attested by *John Tisdale*, Clerk.

That there is Twenty-two Men born on the Roll (Officers included) under the denomination of Volunteers; who recevied each *Forty Shillings* out of the Treasury, One of whom never went from *Boston*, another discharged by Col. *Walton*, as infirm, thô the Lieut. inform'd that he was an able body'd Effective Man.

On the Muster-Roll of Capt. *Samuel Hinkes*, sign'd by him.

That Two Men are of the County of *York*, and Capt. *Hinkes* Son not Six Years of Age, is born on that Roll.

On the Muster-Roll of Capt. *John Gyles*,
sign'd by himself.

That Four Men are absent on Furlow, Three of whom above a Month, and Sixteen belonging to the County of *York*.

We further observe, That some of the Men were very much disordered with Drink, That the Garrisons were very remiss in not keeping good Watches, espe-

cially in the Night; but more particularly at the Town of *Falmouth*, when the Committee that went *Eastward* were there, they March'd through that Town Twice one Night and was not hal'd by any Garrison there, thô there were several Companies in the Town at the same time; and in their walking the Rounds they were at the Beach where the Whale-boats were halled up, and they could easily put them into the Water without being discovered; and that they were inform'd by several Officers and Souldiers there, That there had not been any Scouting in those parts for a considerable time past.

On the Muster-Roll of Col. *Eleazer Tyng*,
sign'd by himself:

That there were Five Inhabitants, and Four Men dismiss'd by the Colonel's Order.

On the Muster-Roll of Maj. *Joseph Varnum*,
sign'd by himself:

That there were Two Inhabitants, and Nine Men dismissed *per* Order of Col. *Tyng*.

Memorandum, That several *Dunstable* Men were posted at *Dracnt*, and also several *Dracut* Men posted at *Dunstable*.

On the Muster-Roll of Corporal *John Foot* of *Almsbury*,
sign'd by himself:

That there appear'd Eight Men there, tho' but Six allowed him; Four of whom were Inhabitants of *Almsbury*.

On the Muster-Roll of Serj. *Ebenezer Eastman*,
sign'd by him.

That there were Eight Inhabitants, and Five Discharged *per* Col. *Tyng*.

On the Muster-Roll of Serj. *Samuel Willard*,
sign'd by himself:

On *Groton*-Roll, There was Seven Inhabitants.

On *Lancaster*-Roll, There were Seven Inhabitants, and two Men dismiss'd.

On *Turky-Hill*-Roll, There were Two Inhabitants.

The Inhabitants of the above three Towns were posted alternatly *per* the Serjeants Order, at each of these Towns. The Committee were inform'd that Serj. *Willard* had enlisted *Stephen Powell* and, *Nathaniel Woods* for *Groton*, who went about their own Business and never did Duty in the Service.

On the Muster-Roll of Capt. *Samuel Wright* of *Rutland*,
sign'd by him:

That there were Fifteen Men Dismissed *per* Order of Col. *Chandler*.

On the Muster-Roll of Capt. *Samuel Barnard* of *Deerfield*,
sign'd by him: [46]

That there were Three Inhabitants, and Three Men Dismissed *per* Col. *Partrigg* at *Sunderland*. One Dismisied by Col. *Patrigg*. At *Northfield*, Two *Deerfield* Men, and Fourteen Dismissed by Col. *Patrigg*.

On the Muster-Roll of Capt. *Thomas Baker*,
sign'd by him:
There was one Inhabitant, Six Dismissed per Col. *Patrigg's* Order.
On the Muster-Roll of Serj. *Benjamin Flagg*,
sign'd by himself at *Worcester:*
That there was Nine Men Dismissed *per* Order of Col. *Chandler*.
On the Muster-Roll of Serj. *Richard Wyle* at *Westborough*,
sign'd by him:
That there were Nine Men Dismissed by Order of Col. *Chandler*.

The Rolls at *Leicester*, *Shrewsbury* and *Brimfield* not being here, we find them disbanded; and were all disbanded before the Committee got there. So a List not taken.

By Informations given, The Committee that find Capt. *Willard* and Serj. *Buckminster* have Dismissed diverse Men, and taken others into the Service for the Lucre of Gain, That Serj. *Buckminster* did not attend his Duty as a Serjeant at *Groton*, above a Third part of the Time the Soldiers were there. That Capt. *Willard*, tho' only a Serjeant at *Lancaster*, presum'd to Dismiss Men in *Groton*, and particularly one *Samuel Davis* posted at *Fainsworth*'s Garrison, whom he has notwithstanding Continued on his Roll, till the Dismission of *Groton* Men.

BY all which, We are humbly of Opinion, That as matters have been managed, by the Officers and Souldiers since the War, the Methods agreed upon by this Court for Prosecuting the same have not been attended, nor the Inhabitants on the Frontiers taken Care of, as they ought to have been, more particularly in suffering so many to be absent on Furlows at one and the same time, and taking in such Numbers of the Inhabitants there, in the Room of Men sent from the other Towns; by which Means the Army is very much enfeebled, and not likely to do any great spoil upon the Enemy. That if a speedy Remedy is not agreed upon by this Court, for the putting an end to such Corrupt Practices, it will be to little or no purpose to raise either Men or Money, to pursue the present War. But We hope, shou'd the Rules and Orders Reported by the Committee of both Houses, respecting Prosecuting the War, be Enacted, they would have a tendency to prevent the like mischievous Practices for the future. And that if upon proper Application to His Excellency the Governour, He shall see meet to make some Alterations in His Power only, there may be a hopeful Prospect of Prosecuting the War, by the Blessing of GOD, to some good Effect. Sent up.

Penn Townsend Esq; brought down the Report of the Committee for War new entred. Read and accepted in Council, and sent down for Concurrence.

Read and Concurred with Amendment. Sent up for Concurrence.

Post Meridiem.

A Petition signed by 137 of the Inhabitants of *Marblehead*, praying, That *Fort-Mary* at *Winter-Harbour* might be continued for the benefit of the Fishery, for reasons therein. Read.

An Accompt signed *Joshua Pasher*, amounting to *l.* 17 10 *s.* for Summoning Witnesses against Col. *Buckminster*, subsisting them, and his attending the House. Read and Committed.

An Accompt signed *Jacob Collings* of *Lynn*, amounting to *l.* 1 11 *s.* for attending this Court as an Evidence against Maj. *Moodey*.

Read and Ordered to ly on the Table.

Ordered, That Mr. *Dwight* go up to the Board and inform them, That this House has nothing lying before them, and desire to know if they may expect any thing down this Evening.

A Message by *Paul Dudley* Esq; That the Board have Concurr'd with the Vote of this House on the Report of the Committee for War: And have nothing to send down.

Then the House adjourned till to Morrow Morning 9 a-Clock. [47]

Veneris 21. die Decembris, 1722.

In the House of Representatives.

At a General Court or Assembly of His Majesty's Province of the Massachusetts-Bay in New-England, Held at Boston, Thursday, Novemb. 15. 1 7 2 2.

Resolved, That the Commissioners of the several Counties for the *l.* 100,000 Loan of Province Bills, be Impowered and Authorized to suffer and keep in Possession until the time of Redemption is expired, any Person or Persons that have surrendred, or have been ejected out of their Estates, for not paying the Principal borrowed and the Interest due thereon.

Provided, Such Person or Persons become Attorn-Tenants to the said Commissioners, in the several and respective Counties in behalf of the Province; and by some suitable way secure the Payment of the Rent, of and for such Estate for time to come, which shall amount to the Interest of the Principal Money borrowed, or so much thereof as is yet outstanding. And

Provided, Such Mortgager in no wise make any strip, waste or spoil on the Lands, *&c.* Mortgaged. And where any Person hath paid no Interest on his Mortgage, in such Case, before the Commissioners allow Repossession, he shall pay all the Interest and Charges due thereon.

Provided also, and it is hereby declared, That the Three Years given by Law, for the Equity of Redemption, shall Commence and go on from time to time, either that the said several Commissioners have taken or may hereafter take

Possession by Execution in Law, or surrender of the Parties, or the Attornment of the Tenant or Mortgager. Sent up for Concurrence.

Two Portlidge Bills of the Sloop *George*, *John Stratton* Master, the first from *March* 8th to *April* 8th. 1722. amounting to *l.* 31 8 *s.* 2 *d.* The second from *July* 3d to *December* 17th 1722. amounting to *l.* 173. 7 *s.* 1 *d.*

Both Read & Committed.

According to the Order of the Day, the House proceeded to consider the Questions proposed the 18th Currant, and after a long Debate, the following Questions were put,

1. *Whether the Act of* February 10th. 1713. *hath not pointed one sufficient Remedy to Persons injured in their Propriety by Mills stoping or raising the Water?*
   And it passed in the Affirmative.
2. *Whether by the Act of* Octob. 15th. 1702. *the Power given to the Commissioners of Sewers, can be construed to extend to the pulling down and demolishing of Mill-Dams?* And it passed in the Negative.

Spencer Phipps, Esq; brought down a Bill *to prevent the Oppression of Debtors.* Passed in Council with Amendment, and Sent down for Concurrence.

Read & Concurred.

Then the House proceeded to consider the Affront offered to their Committee, by Lieut. *Joshua Moodey*, when they came to the Garrison at *Casco.* And,

Resolved, That the said Lieut. *Joshua Moodey* has by that Action, rendred himself unworthy to receive any pay from this Province, for future Service, till he has made an humble acknowledgment of his fault to the House. And that he be served with a Copy of this Vote. [48]

Post Meridiem.

A Petition signed by sundry of the East end of the North Precinct in *Bridgwater*, praying, That they may be made a distinct Precinct, and have an Addition of some Families to them out of the South Precinct. Read.

Ordered, That the North and South Precinct be served with a Copy of this Petition, that they may shew reason (if any they have) why the prayer thereof should not be granted, on the 3d Wednesday of *May* Sessions.

Sent up for Concurrence.

A Petition and Papers belonging to Maj. *Moodey*'s Tryal were sent down from the Council, passed upon there, *viz.* A Hearing having been had before the whole Court the 19th Instant, on the several Informations and Complaints against Mr. *Samuel Moodey.*

These Questions were severally put and Resolved, as follows,

Whether the Complaints against Maj. Moodey *for indulging his Souldiers in excessive Drinking and Intemperance be proved and made good?*

Resolved in the Negative.

Whether it were proved that Maj. Moodey *did unreasonably and contrary to his Duty, Deny Assistance to the Inhabitants when demanded?*

Resolv'd in the Negative.

Whether it was proved that the Watch was not duly kept at Maj. Moodey's *Garrison, in the Night Season, and at such times when he was at home.*

Resolved in the Affirmative.

Whether he be to blame for the Neglect of the Watch at his Garrison when he was at home?

Resolv'd in the Affirmative.

Whether it was proved that Maj. Moodey *did unreasonably and contrary to his Duty, draw off the People from Topsham?* Resolved in the Negative.

Whether it was proved that Mr. Moodey did unreasonably, and contrary to his Duty, Deny Lieut. Hilton *the Whale-boats he desired, to go in quest of the* Indians?

Resolved in the Negative.

Voted, That His Excellency be desired to reprimand Maj. *Moodey*, for his Neglect of keeping a good Watch at his Garrison; and also Charge him carefully to do the Duty of his Post, in that and all other Respects for the future.

Sent down for Concurrence.

Read, and Voted Paragraph by Paragraph, and the following Questions were put:

1. *Whether the Complaints against Maj.* Moodey *for allowing his Souldiers in Excessive Drinking, and in Intemperance, has been proved?*

It passed in the Affirmative, being proved by the Testimonys of *Jacob Collings, Daniel Ingerson, Henry Newell, Samuel Bucknam, Dominicus Jordan* and *Jonathan Kelton.*

2. *Whether it were proved, That* Maj. Moodey *did Unreasonably and Contrary to his Duty, deny assistance to the Inhabitants, when demanded?*

It passed in the Affirmative. Proved by *Samuel Bucknam, Jacob Collings* and *Dominicus Jordan.*

3. *Whether it was proved, That the Watch was not duely kept at* Maj. Moodey's *Garrison in the Night Season, and at such Times when he was at home?*

It passed in the Affirmative. Proved by *Jacob Collings, Daniel Ingerson* and *Henry Newell.*

4. *Whether* Maj. Moodey *was to blame for the neglect of the Watch at his Garrison when at home?* It passed in the Affirmative. [49]

5. *Whether it was proved, That* Maj. Moodey *did Unreasonably and Contrary to his Duty draw off the People from* Topsham?

Not put to Vote, because the Witnesses Summoned were not yet come.

6. *Whether it was proved, That* Maj. Moodey *did contrary to his Duty deny* Lieut. Hilton *the Whale-boats, when desired, to go in quest of the* Indians?

It passed in the Affirmative.

And the Question being put, *Whether the House Concurr with the Board, to desire His Excellency to reprimand Maj.* Moodey *for his neglect of keeping Watch at his Garrison?* &c. And it passed in the Negative.

A Message by Mr. Secretary, *viz.* His Excellency Orders me to acquaint this Honourable House, That Col. *Walton* is now waiting; and if the House desires to ask him any Questions relating to his Conduct, he shall attend the whole Court with his Journal to-morrow Morning at 10 a-Clock.

Read, and in answer to said Message:

Resolved. That it was the intent and meaning of this House in desiring that Col. *Walton* should be sent for, That he should appear before them. And that this House apprehend they have sufficient reason for their so doing. And do therefore renew their desire for the accomplishment thereof.

Sent up by Mr. *Gorham.*

Then the House adjourned till to Morrow Morning 9 a Clock.

Sabbati 22. die Decembris, 1722.

MR. *Dudley* from the Committee of Muster-Rolls informed the House, That they could not make any Report on the Rolls of *Worcester*, *Leicester* and *Rutland*, because the price of Subsistance was not stated.

Resolved, That 7 *s.* be allowed for a Foot Souldier *per* Week, 10 *s.* 6 *d.* for a Trooper *per* Week.

The Door-keeper informed the House, That Col. *Walton* was at the Door and desired leave to come in: He was admitted, and informed Mr. Speaker, That he found entred in the Printed Votes of *December* 19th. *Post Meridiem*, That in his answer to the Honourable House, He said his Accompts were ready to be laid before them, but he could not get leave from the Governour to lay them before the House.

Whereas he only said:

He was ready to lay his Accompts before the House, if his Excellency would give him Order for it: and then withdrew.

A Message by Mr. Secretary, *viz.*

Mr. Speaker, His Excellency Orders me to acquaint this Honourable House, That Col. *Walton* is now with his Journal before the Governour and Council; and that if this House see meet to come up and ask him any Question, His Excellency desires they would come up to the Council Chamber.

In answer to which Message it was returned:

May it please Your Excellency, The House do not think it expedient to go up to the Board pursuant to Your Message respecting Col. *Walton*, for that they look upon it not only their Privilege but Duty to demand of any Officer in the pay and

Service of this Government an account of his Management, while in the Publick Imploy. Sent up by Mr. *Dwight*, and Mr. *Chandler*.

A Message by Mr. Secretary, *viz.* Mr. Speaker, It is His Excellency's pleasure, That this Great and General Court be Adjourned till *Wednesday* next, at 10 a-Clock in the Morning, and it is accordingly Adjourned.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [50–51]

VOTES

Of the House of Representatives.

Mercurii 26. die Decembris, 1722.

A Memorial signed by *Seth Pope* and 32 others Inhabitants of the Town of *Dartmouth*, setting forth, That the said Town had Voted *l.* 700 to be imployed in making complaints home, *&c.* praying, That they may not be obliged to pay their Quota thereof, *&c.* Read and Committed.

William Tailer and *Samuel Sewall* Esqrs; brought down some Letters and Resolves from the Goverment of *New-York* and *Connecticut:* Which were Read, And

Mr. Secretary brought down a Letter of the Lieut. Governour of *New-Hampshire* about their Quota, which he Read.

Ordered, That Col. *Shadrack Walton* do forthwith lay before this House a Journal of his proceedings with the Forces under his Command in the Eastern Parts.

In the House of Representatives: This House being fully of Opinion, That it is not for the Interest of this Province, That Maj. *Moodey* be further continued in the Service thereof: Therefore,

Voted, That his Excellency be desired to dismiss him. Sent up by Mr. *Dennet*, Mr. *Clark*, and Mr. *Remington*.

Post Meridiem.

In the House of Representatives.

Resolved, That the Treasurer give Notice in the Publick Prints, and on the Exchange once every Month from *April* to *October*, That he is ready to contract with those that will supply him with *Bread*, *Rhum*, *Molasses* and *Casks*, at the most reasonable Prices, for present Money. And that in lieu of Bread he buy Wheat and get it baked at the easiest rate; and that he take particular care to buy every thing in the most advantagious manner for the Interest and Service of the Province.

Samuel Partridge Esq; brought down a Second Memorial signed *Richard Borden* Agent for the Town of *Tiverton*, praying, That they may be excused from paying any more than their proportion being *l.* 27 9 *s.* towards the Tax.

Read in Council & sent down. Recommended.

Read and dismist.

A Petition signed *Samuel Gookin* Sheriff, praying Allowance of *l.* 6. 8 *s.* 10 *d.* for keeping *John Blin* and *Ovid Rushbrook* in Goal, *&c.* Read and Committed.

An Accompt signed *Samuel Partridge*, amounting to *l.* 14 1 *s.* 5 *d.* Charges on *Blin* and *Rushbrook*. Read and Committed.

Resolved, That *John Wainwright* Esq; be One of the Committee for War, in the place of Mr. *Came*, who is gone home.

An Engrossed Bill Intituled, *An Act for preventing the Oppression of Debtors.*

Read and Resolved that the same do pass to be Enacted.

Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock. [52]

Jovis 27. die Decembris, 1722.

MR. *Cooke* from the Committee of Petitions, Reported, *viz.*

On the Petition of *John Keen*, *Nathaniel Keen*, &c. Souldiers under the Command of Capt. *Westbrook:* The Committee are of Opinion, That the Petition is groundless, and therefore be dismist. Read and accepted.

On the Petition of *Thomas Westbrook:* The Committee are of Opinion, That the Sum of *l.* 50. be allowed and paid him out of the Publick Treasury to the Petitioner *Thomas Westbrook*, Esq; for and in Consideration of Five Whale-boats and Two Canoos mentioned therein, and that they now do belong to the Province.

Read, accepted, and sent up for Concurrence.

On the Petition of *Martin Kellogg:* The Committee are of Opinion, That *l.* 5. be allowed and paid out of the Publick Treasury to the Petitioner in full; and that the Debts contracted in the Journey to *Canada* and unpaid, be discharged by Capt. *Thomas Baker* of *Northfield*, he having received Money out of the Publick Treasury for that end. Read, accepted, and sent up for Concurrence.

On the Accompt of *Joshua Parker:* The Committee are of Opinion, That the Sum of *l.* 15 be allowed and paid out of the Publick Treasury to the Accomptant *Joshua Parker*, in full of said Accompt. And that the like Sum be stop'd out of the Wages, *&c.* due to Col. *Joseph Buckminster.*

Read, accepted, and sent up for Concurrence.

A Petition signed *William Hilton*, Lieutenant of a Company Eastward, praying, That as he has attended the Duty of Captain, and duely exercised his Company, and made several Fatiguing Marches against the Enemy, he may be allowed Captain's pay, *&c.* Read.

Resolved, That the Sum of *l.* 10 be allowed and paid out of the Publick Treasury to Lieut. *William Hilton*, in consideration of his industry & readiness at all times to search after the Enemy, *&c.* Sent up for Concurrence.

An Accompt signed *Thomas Hastings* of *Hatfield*, Chyrurgeon, amounting to *l.* 1 13 *s.* 7 *d.* for Medicines and Attendance on the Souldiers in that County to *July* last. Read and *Resolved*, That the Sum of *l.* 1. 13 *s.* 7 *d.* be allowed and paid him out of the Publick Treasury in full of said Accompt.

Sent up for Concurrence.

Two Accompts signed *Samuel Partridge*, amounting to *l.* 1 6 *s.* for Medicines administred by Mr. *John Barnard*, and Mr. *Porter* of *Framington*. Read and *Resolved*, That the said Sum of *l.* 1 6 *s.* be allowed and paid out of the Publick Treasury to Col. *Samuel Partridge*, in full of the Two Accompts.

Sent up for Concurrence.

Post Meridiem.

Mr. *Dudley* from the Committee of Muster-Rolls reported, *viz.*

On the Muster-Roll under the Command of Major *John Chandler*, That having Examined the same Roll consisting of two Sheets, they find it right Cast. Mr. *Samuel Wright* and Mr. *John Flagg* Serjeants, declaring on Oath, That the Men inserted in the Roll under their respective Command were in Actual Service the whole time for which they stand entred. Mr. *William Ward* another Serjeant declaring also upon Oath, That the Service of the Men mentioned in this Roll and under his Command was duly performed the whole time for which they are inserted in the Roll. And Col. *John Chandler* Chief Officer of the Regiment to whose care and inspection the above Serjeants and their Companies were committed, affirming, That the Officers and Souldiers born on said Roll, did well and truly perform their duty, and has signed the said Roll. The Committee are therefore of Opinion, That the Sum of *l.* 413 3 *s.* 4 *d.* being the whole Amount of the Wages due on this Roll, be allowed and paid out of the Publick Treasury to the Officers and Souldiers, to whom the same is respectively due as by the Roll, to discharge the same. And further, That the Sum of *l.* 266 10 *s.* being the whole Amount of the Subsistance to the Officers and Souldiers born on said Roll, be allowed and paid out of the Publick Treasury to Col. *John Chandler*, to be by him paid to the persons that advanced the Subsistence in full discharge of the same. The Treasurer first deducting out of the said Sum of *l.* 566 18 *s.* what he has supplyed for Subsistence to any of the Men born on the within Roll.

Read, accepted, and sent up for Concurrence. [53]

On the Muster-Roll of Capt. *Samuel Hinkes*, Reported:

That the Committee have Examined the same and find it right Cast: Capt. *Hinkes* declaring upon Oath, That the Men inserted in the Roll were in Actual Service the whole time they were entred, and are therefore of Opinion, That the Sum of *l.* 98 6 *s.* 2 *d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers to whom it is respectively due as above, in full discharge of this Roll. Read, accepted, and sent up for Concurrence

An Accompt signed *Samuel Hinkes*, amounting to *l.* 6 15 *s.* 9 *d.* for Wood, Candles, *&c.* for the use of the Garrison. Read and *Resolved*, That the Sum of *l.* 6 15 *s* 9 *d.* be allowed and paid out of the Publick Treasury to Mr. *Samuel Hinkes* in full discharge of the said Accompt. Sent up for Concurrence.

A Bill *for the further Encouragement and Regulation of the Officers and Souldiers retained in His Majesty's Service and Pay of this Government.*

Read a 1st time.

Col. *Walton* was again admitted into the House & informed the Speaker, That he had received a Summons from this House, but had delivered his Journal to the Council before that time, and that he could not draw another because his Papers were at *Arrowsick*, but that he had been with his Excellency, and that he said, As soon as the Council had Examined his Journal the House might have the perusal of it from thence, if they desired it.

An Accompt signed *John Blake*, a Souldier amounting to —— for a Wound received in the Service of the Province. Read & Committed.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Veneris 28. die Decembris. 1722.

O*Rdered*, That the Reverend Mr. *John Wise* of *Ipswich*, be desired to Preach the next Election Sermon, and that *John Wainwright* Esq; and Mr. *Nathaniel Knoulton* wait on him for that end.

Mr. *Cooke* from the Committee of Petitions, Reported:

On the Accompt of Col. *John Wheelwright*, amounting to *l.* 50 16 *s.* the Committee are of Opinion, That the Sum of *l.* 48 16 *s.* only be allowed and paid out of the Publick Treasury to the Accomptant *John Wheelwright* Esq; in full of said Accompt, for that the last Article of 40 *s.* ought not to be allowed.

Read, accepted, and sent up for Concurrence.

On the Accompt signed *Samuel Jordan*, amounting to *l.* 10 3 *s.* 6 *d.* The Committee are of Opinion, That the Sum of *l.* 10 3 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to Mr. *Samuel Jordan*, in full of this Accompt.

Read, accepted, and sent up for Concurrence.

On the Accompt signed *Eleazer Tyng*, amounting to *l.* 4 18 *s.* the Committee are of Opinion, That the Article of 18 *s.* for transporting Six Hogsheads of Bread is overcharged 8 *s.* and the last Article to *Henry Farewell* overcharged 7 *s.* That therefore the Sum of *l.* 4 3 *s.* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng* the Accomptant in full discharge of the above Accompt.

Read, accepted, and sent up for Concurrence.

An Accompt signed *Edward Winslow*, Sheriff, amounting to *l.* 42 19 *s.* 6 *d.*

Read and Committed.

Ordered, That Mr. *Cooke* and Mr. *Dudley* be a Committee to go to Mr. *Benjamin Eliot*, and discourse with him about Printing the Laws of this Province, and enquire at what price he will supply One for every Town, and One for every Member of this Court, and make their Report to this House.

Samuel Partridge Esq; brought down a Paper signed by *John Stoddard* Col.

Certifying, That Seven Men were enlisted by him as Volunteers, and praying, That 40 *s*. Bounty may be paid to each of them: Also a Paper signed by *Ebenezer Pomery* Capt. Certifying, That Six Men enlisted under him as Volunteers.

Read and

Ordered, That the Sum of 40 *s* be allowed and paid out of the Publick Treasury to each of the Thirteen Men mentioned in said Certificates.

Sent up for Concurrence. [54]

The Question being put, *Whether the said Sum of* 40 s. *be allowed the Eight Men mentioned by Col.* Partridge? It passed in the Negative.

An Accompt signed *Daniel Goffe*, amounting to *l*. 30 3 *s*. 6 *d*. for his Expence and Time in going Express to *New-York*. Read and *Resolved*, That the Sum of *l*. 30 3 *s*. 6 *d*. be allowed and paid out of the Publick Treasury to Mr. *Daniel Goffe* in full of said Accompt. Sent up for Concurrence.

Mr. *Clark* informing the House, That Capt. *Temple* was ready to lay before the House his book of Slops. *Ordered*, That Mr. *Clark* and Mr. *Dyer* examine them. Who returned, That they had perused his book and found that he had advanced but some small Sums to the Souldiers under his Command, and those at Moderate prices.

Which was accepted by the House, and an Order given the Committee to Examine his Roll.

A Message by *Samuel Sewall*, *Penn Townsend*, and *Addington Davenport* Esqrs; *viz*. His Honour the Lieut. Governour having by his Excellency's direction acquainted the Board, That His Excellency the Governour is Embarked on board His Majesty's Ship *Sea-Horse* Capt. *Durell* Commander at *Nantasket*, and designs to return early in the Fall. And the Board thinking it a Matter of Importance, have sent to inform the Honourable House thereof.

William Dudley, Esq; from the Committee of Muster-Rolls, Reported:

On the Muster-Roll of *Samuel Patridge*, Colonel, they find the same to be Right cast, Col. *Partridge* affirming, that the Men contained therein, were in actual Service for the whole time they are inserted; and therefore are of Opinion, that the Sum of *l*. 267 1 s. 1 *d*. being the Nett Wages due thereon, be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on this Roll, to whom the same is particularly due. And further, That the Sum of *l*. 10 17 *s*. 3 *d*. being so much supplyed the Men, together with the Sum of *l*. 130 2 *s*. 8 *d*. for subsisting the within named Men, making in the whole the Sum of *l*. 140 19*s*. 11*d*. be allowed and paid out of the Publick Treasury, to Col. *Samuel Partridge*, in full Discharge of Subsisting the Men, and what Slops have been supplyed them, to be by him paid to the Person or Persons that have subsisted or supplyed any of the Men born on the within Muster-Roll.

Read, accepted, and sent up for Concurrence.

On the Muster-Roll of Capt. *Robert Temple:*

The Committee having examined the same Roll, containing two Sheets; find it right cast and well vouched. Capt. *Robert Temple* affirming upon Oath, That the Men mentioned in the Roll were in actual Service, for the whole time they are born thereon. And therefore are of Opinion, That the Sum of *l.* 551 5 *s.* 1 *d.* being the whole Amount of the Nett Wages due on the Roll (exclusive of the use of the Province Arms, and what Slops have been delivered to the Men) be allowed and paid out of the Publick Treasury, to the Officers and Souldiers mentioned in this Roll, to whom the same is respectively due, in full Discharge of the same. And further, The Committee are of Opinion, that the Treasurer make good to the Province, the Sum of *l.* 33. 8 *s.* 2 *d.* being so much said to be supplyed by the Commissary in part, to the several Persons named, who have been born sometime on this Roll, and are returned Deserters, until Mr. Treasurer or his Substitutes can make it appear, That the said Deserters did actually receive that Value out of the Province Stores

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
John Jeffries	8	12	10		20	15	5
William Day	8	9	10	*John Daffey*	9	00	0
Elias Bartlet	3	12	9	*Joshua Toly*	3	12	9
	20	15	5		33	8	2

Which Sum in our Opinion ought to be taken out of the Sum of *l.* 102 5*s.* 8*d.* conformable to the Resolve of this House.

Read, accepted and sent up for Concurrence. [55]

Post Meridiem.

Ordered, That Mr. *Remington*, Mr. *Fullam*, and Mr. *Dudley* go up to the Board, and Desire of his Honour the Lieut Governour, that if he has any Advice from His Excellency, of his intended Voyage, he would be pleased to communicate it to the House.

A Message by Mr. Secretary. His Honour the Lieut. Governour has ordered me to acquaint this Honourable House, That he has no farther Advice of his Excellency's intended Voyage, than that he is embarked on Board His Majesty's Ship *Sea-Horse*, and that he designs, if GOD please, to return early in the Fall.

Isaac Winslow, Esq; brought down a Certificate signed *Samuel Patridge*, Colonel, Certifying, That *John Combs*, *Michel Mitchel*, *William Syms*, *William Sanderson*, *Benja. Smith*, *Thomas Keer* and *Ebenezer Warner*, Voluntarily Enlisted themselves with him; and praying that they may have the 40 *s.* Bounty.

Read. And the Question being put, It passd in the Negative.

A Bill for punishing Officers and Souldiers retained in His Majesty's Service and Pay. Read a first time.

Mr. *Cooke* from the Committee of Petitions Reported:

On the Petition of *John Blake* for his Sons Expences, being Wounded in the Service and since Dead, amounting to *l.* 24 The Committee are of Opinion, That the Sum of *l* 16 10 *s.* be allowed and paid out of the Publick Treasury to the Petitioner *John Blake* in full Discharge of the said Accompt.

Read, accepted and sent up for Concurrence.

This House being Informed this Morning in a Message by *Samuel Sewall*, *Penn Townsend* and *Addington Davenport*, Esqrs, That His Honour the Lieut. Governour having by His Excellency's Direction acquainted the Board, that His Excellency the Governour is embarked on Board His Majesty's Ship *Sea-Horse*, Capt. *Durell* Commander at *Nantasket*, and designs to return early in the Fall. And the Board thinking it a matter of Importance, sent to inform the Honourable House thereof. Which is a very great surprize, and gives this House just ground to suppose, That upon His Excellency's Arrival at the Court of *Great Britain*, (if bound there) he may endeavour to Charge this House in attempting to encroach upon the Royal Prerogative, or coming into some things they had not a Right to, by their present happy Constitution. Therefore,

Resolved, That Mr. *Cooke*, Mr. *Dudley*, Mr. *Chandler*, Mr. *Clarke*, and Mr. *Wainwright*, be a Committee forthwith to prepare and lay before this House, what they think proper in this Critical Juncture for the House to do, in their Just and necessary Vindication at the Court at Home.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Sabbati 29. die Decembris, 1722.

A Petition signed by *Nathaniel Hitchcock* and 22 others, Inhabitants of *Brimfield*, praying, That some Persons may be appointed to inquire into the Management of the Committee that were appointed *Anno* 1721. to lay out the Lands of the said Town, *&c.* Read and

Ordered, That Mr. *Chandler*, Mr. *Jennings*, and Mr. *Dwight* be a Committee to inquire into the Reasons of their Complaint, at the Charge of the Petitioners, and make their Report to this House in the *May* Sessions. [56]

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll of *Bryan Toole* at Great River, containing 25 Men, and 3 Pilots, find it to be right cast and well vouched, by the Oath of the aforesaid *Bryan Toole*. They are therefore of Opinion, That the Sum of *l.* 292 6 *s.* 2 *d.* be allowed and paid out of the Publick Treasury, to the Officers and Souldiers, to whom the same is respectively due, in full discharge of the Wages due on this Roll. Read, accepted, and sent up for Concurrence.

On the Muster-Roll signed, *John Wheelwright:*

The Committee having examined the same, find it to be right cast, well vouched

and confirmed by the Oath of Col *Wheelwright*, that the Officers and Men therein contained, were in actual Service for the whole time they stand entred in the same: And therefore are of Opinion, That the Sum of *l.* 113 10 *s.* 9 *d.* be allowed and paid out of the Publick Treasury, to the Officers and Souldiers born on the Roll, in full discharge of the Wages to whom it is respectively due.

Read, accepted and sent up for Concurrence.

This House being informed, that Capt. Jonathan Clark *in the Ship* Providence, *is now ready to sail for* Great Britain, *and no other Vessel likely to sail for some considerable time; and having matters of great Importance and Publick Concern, to be transmitted to* Great Britain:

Ordered, That Mr. *Clark* and Mr. *Tay* wait on the Owners of the said Ship, and desire them to stop her for three or four Days. Who returned, That they said, They would comply with the Order of the House.

Ordered, That Mr. *Dudley* go up to Mr. Secretary, and Direct him to lay before this House, what Commissions have been given out to the Officers in pay for two Months past. Who returned, That there was but one given out, and that to Col. *Walton*.

R*Esolved*, *That* 7 *s.* be allowed *per* Week for Subsistence, and 10 *s.* 6 *d.* for a Trooper *per* Week, for his Wages. (Sabbati, 22. *pag.* 49)

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722. [57]

VOTES

Of the House of Representatives.

Lunæ 31. die Decembris, 1722.

Post Meridiem.

JOnathan *Belcher*, Esq; brought down a Petition signed by the Inhabitants of *Brimfield*, sent up the 29th Instant, Passed on in Council, *viz.* Read and Concurred, and Ordered, That such of the former Committee as are now living, be directed to attend the Committee hereby appointed, at *Brimfield*, at such Time and Place, as they shall direct.

Sent down for Concurrence. Read & Concurr'd.

Jonathan Dowse, Esq; brought down Two Questions, passed this House the 21st Instant. Passed on in Council, *viz.* Read, and the Board Concurr with the Resolution of the first Question, provided it be understood of small Quantities of Land or Meadows? provided also it be not understood of Land drown'd, by stopping Publick Rivers belonging to the Province. And the 2d Question is resolved in the Affirmative. Sent down for Concurrence. Read.

The Second Report of the Committee for War, passed on in Council, the 29th Instant, and sent down for Concurrence. Read & Concurr'd.

A Bill *for punishing Officers and Souldiers retained in His Majesty's Service and Pay.* Read a 2d time.

An Accompt signed *George Pemberton* amounting to *l.* 31 17 *s.* 6 *d.* for Medicines and attendance on the Castle-Souldiers, from *June* to *December* Instant.

Read and

Resolved, That there be allowed and paid out of the Publick Treasury to Doctor *George Pemberton* the Sum of *Thirty Pounds* in full of the above Accompt.

Sent up for Concurrence.

A Petition signed *Daniel Wood* Representative of the Town of *Dartmouth*, praying, That the *l.* 100 added to the said Towns Tax may be abated, *&c.*

Read & Committed.

John Cushing, Esq; brought down a Petition signed *Joseph Buckminster*, praying, That as he has been expelled the House on the Complaint of *Joshua Parker*, &c. and the House have Ordered the Sum of *l.* 15 to be stopped out of his Wages; he may be allowed a Hearing before the whole Court. Read and Dismist.

Mr. *Cooke* from the Committee appointed to prepare some proper Vote on his Excellencies sudden Departure, presented their Report thereon. Which was Read thrice in the House, and accepted.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Martis 1. die Januarii, 1722.

Ordered, That the Petition of *Worcester* Committee, preferred the 11th of *December* past, be Reconsidered. The said Petition was Reconsidered And,

Resolved, That the prayer of the Petition be so far granted, as that they be enabled to lay a Tax of 3 *d. per* Acre, on all the Lands of the Resident and Non-resident Proprietors in the said Town. Sent up for Concurrence. [58]

Mr. Speaker producing a Letter signed by Mr. Secretary *Popple*, wherein he recommended Mr. *Anthony Sanderson* as a proper Person to be Agent for the Province. Read and

Ordered, That Mr. *Chandler* go up to the Board, and desire, That the Honourable Col. *William Tailer* may come down to the House.

Who came down accordingly; and after giving an Honourable Recommendation of Mr. *Anthony Sanderson* to the House, withdrew.

Then the Question was put, *Whether the Declaration of this House now to be sent home, be transmitted to Mr.* Anthony Sanderson, *to be by him improved according to the Order of this House?* And it passed in the Affirmative.

Ordered, That Mr. *Dudley*, Mr. *Cooke*, Mr. *Wainwright* be a Committee to prepare a Draught of a Letter to be sent to Mr. *Anthony Sanderson;* which they performed and offered the same to the House, and it was accepted.

A Petition signed *Daniel Pecker* a Lieut. in the Service Eastward, praying some consideration for the loss of his Sloop, *&c.* Read.

And the Question being put, *Whether the Prayer of the Petition be granted?*

It passed in the Negative.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Roll of Mr. *Samuel Barnard;* The Committee having examined the same, (containing two Sheets) find it right cast, and well vouched, Capt. *Samuel Barnard* affirming upon Oath, that the several Persons named in this Muster-Roll were in actual Service the whole time, as they are respectively entered thereon. The Committee are therefore of Opinion, That the Sum of *l.* 630 14 *s.* 7 *d.* (that being the whole of the Wages due on the within Roll) be allowed and paid out of the Publick Treasury, to the Officers and Souldiers contained in this Roll, and respectively due to them. And further, The Committee are of Opinion, That the Sum of *l.* 300 2 *s.* be allowed and paid out of the Publick Treasury to Capt. *Samuel Barnard*, for subsisting the Officers and Soldiers born on this Roll, the Treasurer not having appointed any Person to deliver any subsistence to them.

Read, accepted, and sent up for Concurrence

Post Meridiem.

Ordered, That Col. *Chandler* go up to the Board, and desire that the second Report of the Committee of War may be sent down.

The said Report was brought down by *Jonathan Dowse*, Esq; And,

Ordered, That the Vote of this House on the said Report be Reconsidered.

Ordered, That Mr. *Dudley*, Mr. *Cooke*, Mr. *Wainwright*, Mr. *Edward White* and Mr. *Dyer* be a Committee of this House to join with such as the Honourable Board shall appoint, forthwith to consider the most proper and effectual ways of putting the said Report of the Committee of War into Execution.

The House being informed, That John Young, Moses Harper *and* Robert Lithgo, *who were summoned to give Evidence against Maj.* Moodey, *were arrived tho' too late for the Hearing:*

Ordered, That the Sum of 20 *s.* be paid to each of them out of the Publick Treasury, and that they be sent back again to the Eastern Parts.

A Petition signed *Israel Hazen* of *Boxford*, a Souldier under the Command of Capt. *Harman*, praying, That the Wages due to him from his Captain may be stopt for him out of his Captain's Wages. Read and

Ordered, That the Sum of *l.* 8 be stopt out of the Wages due to Capt. *Johnson Harman* till he can make it appear to this Court that he has supplyed the said *Israel Hazen* with as much as his Wages comes to according to his Accompt sent to Mr. Treasurer. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock. [59]

Mercurii 2. die Januarii, 1722.

AN Accompt signed *Joshua Underwood*, amounting to *l.* 11 11 *s.* 6 *d.* for his Expence and Time when sent express to Summon Evidences against Maj. *Moodey*. Read and

Resolved, That the Sum of *l.* 11 11 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to Mr. *Joshua Underwood* in full of said Accompt.

Sent up for Concurrence.

Edward Bromfield Esq; brought down a Petition signed *Thomas Waban*, *Solomon Thomas* and *Benjamin Tray*, Committee for the Proprietors of *Natick*. Passed on in Council, *Decemb.* 31st. *viz.* Read and Ordered, That the prayer of the Petition be so far granted as to enable the Petitioners to confirm to Mr. *Oliver Peabody*, and his Heirs for ever Twenty Acres of Land, for a House Lot, which shall be part of the Sixty Acres Lot formerly intended for *John Nesnummon* the late Preacher at *Natick*, upon the said *Peabody*'s settling in the Work of the Gospel-Ministry among the Aborigines at *Natick*. The remaining 40 Acres of the said 60 Acre-Lot, together with 40 Acres more of Upland and Meadow-land to be conveniently laid out and granted him and his Heirs for ever: Provided he continue in the Work of the Ministry there during the term of his Natural Life. And that the Petitioners be also impowred to make him a Commoner and Proprietor of the said Plantation of *Natick* in right of the said

60 Acres-Lot; provided it exceed not One Fiftieth part of the whole Plantation. *J. Willard*, Secr.

Sent down for Concurrence. Read and Concurred.

Ordered, That Capt. *Dyer* go up to the Board and enquire, Whether the Board have passed upon the Vote of this House sent up Yesterday.

Ordered, That Mr. *Remington* go up to the Board and inform them, That this House has nothing lying before them.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll of Capt. *Francis Barker:* The Committee having examined the said Roll consisting of Two Sheets, and find it right cast; *Moses Marcum* Clerk of the Company being on Oath, Declared, That *Joshua Barker* entred, Son to Capt. *Barker*, to whom is carryed in the Roll as due for Wages the Sum of *l.* 14, is a Lad not exceeding 14 Years of Age, and has been absent from the Company ever since *August* last; and are of Opinion, That the said Sum of *l.* 14 be entirely deducted. And whereas it appears by this Roll that he hath admitted 5 Men belonging to the County of *York*, *J. Burnet*, *A. Grudey*, *J. Keamons*, *Richard Pomery* and *William German*, contrary to the Vote of this House, They are of Opinion, That the said Capt. *Francis Barker*'s Wages, amounting to *l.* 63. be detained in the Treasury till he shew forth Reason why the Five Men stand entred in his Roll. And whereas there is carryed over in the Column, an Accompt of what each Man has received of the Commissary in part, amounting in the whole *l.* 44 9 *s.* which the abovesaid *Moses Marcum*, who delivered out all the Slops the Souldiers received, did declare upon Oath, That to his certain knowledge, Neither the whole, nor any part of the last mentioned Sum was of the Country Stores: Therefore the Committee are of Opinion, That no part of the said Sum of *l.* 44 9 *s.* ought to be deducted by the Treasurer out of the Mens Wages, they having received no Stores of the Province: The Committee are further of Opinion, That the Sum of *l.* 5 12 *s.* 10 *d.* being so much entred as Wages due to *John English*, who is returned a Deserter, should and ought to be deducted from the Wages due on this Roll. And after the estople of the said *l.* 63 and deduction of *l.* 19 12 *s.* 10 *d.* The Committee are of Opinion, That the Sum of *l.* 889 14 *s.* 1 *d.* being the full remainder of the Wages due on this Roll be allowed and paid out of the Publick Treasury to the Officers and Souldiers to whom the same is respectively due, in full discharge thereof.

Read, accepted, and sent up for Concurrence.

On the Muster-Roll of Capt. *Edmund Ward*, Reported:

The Committee have examined the same containing Two Sheets of Paper, and find it to be right cast and vouched by the Oath of Lieut. *Daniel Pecker*, who declared after the Oath was administred to him, That *Timothy Goodwin* of *Reading* entred for Lieutenant's [60] pay in this Roll from *July* 26th. to *August* 29th. last, amounting to the Sum of *l.* 6 8 *s.* 6 *d.* had a Commission filled up by Maj.

Moodey at *Casco-Bay*, when he the declarant had a Commission to be Lieutenant of this Company at the same time given him by the Captain General at *Boston;* and are therefore of Opinion, That the aforesaid Sum carryed out as due to *Timothy Goodwin* be struck out of this Roll. And whereas it appears by this Roll that the said *Edmund Ward* enters Nine Men belonging to the County of *York*, whose Names are as follows, *B. Larrabe*, *D. Bryant*, *W. Jordan*, *D. Burnum*, *E. Rumley; J. Lebly*, *F. Begor*, *E. Seavey*, and *Rd. Brookes*, which being contrary to the Vote of the House: The Committee are of Opinion, That the said Capt. *Ward's* Wages amounting to the Sum of *l.* 34 10 *s.* be detained in the Treasury, till he shew forth sufficient reason to this Court, wherefore the above Nine Men stand entred in his Roll. And the remaining Sum being *l.* 339 5 *s.* 1 *d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers to whom the same is respectively due, in full discharge of this Muster Roll.

Read, accepted, and sent up for Concurrence.

A Message by Mr. Secretary, That his Honour the Lieutenant Governour expects this House attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and his Honour made a Speech to them whereof Mr. Speaker obtained a Copy, and with it returned to their own Chamber.

The Speech as followeth: *Viz.*

GENTLEMEN,

I *Am now to Acquaint You, That Yesterday in the Morning His Excellency our Governour Embarked on a Voyage for* Great Britain, *with design to Return to us Early in the Fall. I am sensible His Absence in the present Juncture of Affairs renders My Province very difficult, but as I perswade my Self, I shall have your Chearful, United Assistance in the Publick Affairs, so I assure you My ready Concurrence shall never be wanting to any thing that may be proposed for His Majesty's Service, and the Interest and Benefit of this Province. I shall Recommend to You as Speedy a dispatch of the Publick Business as is Convenient, That the best Season for Prosecuting the War with the* Indian Enemy *may not be lost.*

A Message by *Samuel Thaxter*, Esq; That the Board desire the last Report of the Committee of War may be sent up.

An Accompt signed *Nathaniel Williams*, *William Douglass* amounting to *l.* 3 14*s.* 6*d.* for Medicines and Attendance on *Hendrick Dewitt.* Read and

Resolved, That the Sum of *l.* 3 14 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to the Accomptants, in full of the within Accompt.

Sent up for Concurrence.

Ordered, That Mr. *Wainwright* go up to the Honourable Board, and Inquire, Whether they have acted on the Vote of this House, sent up the last Night.

Who returned, That his Honour the Lieut. Governour said, they would return an Answer immediately.

A Message by *John Wheelwright*, Esq; That he was directed by his Honour the Lieut. Governour and the Council, to acquaint this Honourable House, that there was a Non-concurrence of the Message sent up last Night.

Ordered, That Mr. *Cooke*, Mr. *Remington*, Mr. *Dudley*, Mr. *Wolcott* and Mr. *Wainwright* be a Committee of this House, to confer with a Committee of the Honourable Board, on their Non-concurring the Vote of this House, on the Report of the Committee of War.

An Accompt signed *Edward Ellis* Chyrurgeon to the Forces, amounting to *l.* 54 10 *s.* for 17 Weeks Service at 50 *s. per* Week, as by Agreement; and to *John Negus* for the same time at 20 *s. per* Week. Read and

Resolved, That the Sum of *l.* 54 10 *s.* be allowed and paid out of the Publick Treasury to Mr. *Edward Ellis*, &c. in full of this Accompt.

Sent up for Concurrence. [61]

Mr. *Cooke* from the Committee of Petitions, Reported:

On the Accompt of *Samuel Partridge*, Colonel, the Committee have examined the same, and find it right cast and well vouched. They are therefore of Opinion, That the Sum of *l.* 7 10 *s.* 6 *d.* be allowed and paid out of the Publick Treasury to Col. *Samuel Partridge*, to discharge the above Accompt.

Read, accepted, and sent up for Concurrence.

On the Accompt of *Samuel Partridge*, Esq; for the Garrison of *Northfield;* The Committee having examined the same, together with the Billeting Bills. Col. *Partridge* certifying, the Men are not Inhabitants of *Northfield;* and that they did Duty as the Roll sets forth, respecting the time. The Committee are therefore of Opinion, That the Sum of *l.* 48 3 *s.* 9 *d.* be allowed and paid out of the Publick Treasury to Col. *Samuel Partridge*, for him to pay and discharge the several Sums due to the Officers and Souldiers on the above Muster-Roll.

Read, accepted, and sent up for Concurrence.

On the Accompt of *Samuel Partridge* Esq; for Post-Scouts, *&c.* Reported, That several Articles of charge in the said Accompt being what we conceive New and no precedent for any direction, We refer the same to the consideration of the House. Which was considered, and

Resolved, That the Sum of *l.* 20 1 *s.* 3 *d.* be allowed and paid out of the Publick Treasury to *Samuel Partridge* Esq; in full discharge of the said Accompt.

Sent up for Concurrence.

Post Meridiem.

A Petition signed *John Hunt*, in behalf of himself, *&c.* praying, that a Private Act passed in favour of *Hugh Hall* in *March* 1721, may be made Null and Void,

&c. Passed on in Council, *viz*, *Whereas the Act Entituled*, An Act to enable Hugh Hall *jun.* to redeem the Estate of his late Grand-father *Benjamin Gibbes*, deceased, Scituate in *Hannover-Street;* passed at the Sessions held in *Cambridge*, *March* 2d. 1721. Hath not made due provision for the Divisees of Maj. *Richards* to recover their Interest, nor to enable the Judges of the Superiour Court to enter up Judgment, as the General Law of this Province for the Redemption of Mortgages in cases of Equity has provided. Ordered, That an Act in addition to or Explanation of the aforesaid Private Act be made, to pay to the said Divisees of Maj. *John Richards*, both the Principal and Interest justly due upon the Mortgage of the aforesaid Estate upon Redemption thereof, as by the said General Act and Law of this Province is directed in cases of Equity. And to enable and impower the said Judges of the Superiour Court to hear and determine the cause and enter up Judgment, and award Execution accordingly, and that the Petitioners bring in a Bill accordingly. Sent down for Concurrence.

Read and

Ordered, That the Petitioner and Respondents be heard by their Council before this House on Friday next, afternoon.

Samuel Partridge Esq; brought down the following Vote, *viz.* Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of *Hampshire*, appointed by Law to be held the First *Tuesday* of *December* last, is Adjourned by the Justices to the Second *Tuesday* of this Instant *January*, and many of the Justices of the said Court being Members of this Court.

Ordered, That the said Courts, *&c.* be further Adjourned to *Tuesday* the 22d of *January*, Currant; and all Persons concerned, are Commanded to take Notice thereof and conform themselves accordingly.

Sent down for Concurrence. Read and Concurred. [62]

A Petition signed *Joses Bucknam*, *&c.* Committee of *Charlestown*, on the North-side of *Mistick-River*, praying, That they may be laid wholly to *Medford.*

Read and Referred to *May* Sessions.

A Petition signed *Joseph How*, *Abraham How*, *&c.* praying, That 300 Acres of Land Sold by Mr. *Habberfield* to *Joseph How*, deceased, may be confirmed to them.

Read and referred to the 2 d *Wednesday* of *May* Sessions; and that the Inhabitants of *Sutton* be served with a Copy thereof, that they may shew their Reasons why the prayer of this Petition should not be granted.

Then the House adjourned till to Morrow Morning 9 a Clock.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [63]

VOTES

Of the House of Representatives.

Jovis 3. die Januarii, 1722.

B*enjamin Eliot*, Bookseller, proposing to the House, That if he may have a Privilege of Printing the Laws of this Province for Twenty Years exclusive of all others, he will supply the several Towns of the Province and Members of the General Court with Two Hundred and Thirty Bound, for the Sum of *l.* 150. Said Proposal was Read, and

Ordered, That Mr. *Eliot* proceed to Print them.

Sent up for Concurrence.

In the House of Representatives.

W*Hereas this House is well satisfyed, That Col.* Walton *and Maj.* Moodey, *the Two Chief Officers in Command of the Forces* Eastward, *by their past Mismanagements have rendred themselves obnoxious to this Government, and very unfit to be entrusted with the future Command of the Souldiers now in Pay; particularly, in disobeying and acting contrary to the Orders of the General Court given at a Sessions held*, November 2d. 1720. *And further, when he the said* Walton *had received the Directions and Command of the Captain General, according to the Advice of the whole General Court in* August *last, to proceed on an Expedition against* Penobscut-Fort, *which was represented by Col.* Walton *as very easy and practicable; yet the same has not been so much as Attempted, but wholly neglected and intirely laid aside, by a pretended Council of War held by said* Walton *with others: and in not performing the Marches by Land and Water directed unto after that Expedition was at an end; Wherefore it being in vain to raise Money, or have so great a Number of Men in the Pay of this Province with no Expectation or View of having any Service done by them, if the said Col.* Walton *and Maj.* Moodey *are still to be continued in Command:*

We the Representatives, Do therefore out of a true Zeal and hearty Concern for the Welfare of this People, most solemnly and earnestly protest against Carrying on the War in an Offensive Manner at present, unless other suitable Persons be forthwith appointed over the Forces. Sent up for Concurrence, by Mr. *Wolcot*, Mr. *Dyer*, Mr. *Remington*, and Mr. *Brown*.

Post Meridiem.

A Petition signed *Peter Butler*, Merchant, praying (that as he made over to Mr. *James Gooch* some Ware-houses, *&c.* for the Sum of *l.* 1500, on condition, *&c.*)

that the said *James Gooch* may be ordered to Sell the said Housen, *&c.* for the full value thereof, and return him the over-plus. Read and Committed.

A Petition signed *Isaac Gardner*, Lieutenant of Fort *George* at *Brunswick*, praying, That the Wages of the Souldiers in that Garrison may be raised as the Wages of the other Forces. Read and Committed.

A Memorial signed *Samuel Moodey*, shewing reasons why he has not complyed with the Order of this House in giving an account of Slops delivered to the Souldiers under his command. Read. And the reasons not accepted.

Ordered, That Capt. *John Dyer* be added to the Committee of Petitions, in the Room of Col. *John Stoddard*, who is gone home. [64]

A Petition signed *Nathaniel Andros*, &c. Select-men of *Marblehead*, praying, (That as Capt. *Stamper* left a Sailor sick at their Town to their great Charge) the said Sailor named *William Hamet*, may be made a Province Charge.

Read and dismist.

Nathaniel Pain Esq; brought down a Petition signed *Joseph Bean*, Lieutenant, praying, That his pay may be advanced for reasons therein given.

Sent down for Concurrence. Read and dismist.

John Wheelwright Esq; brought down the Muster-Roll, signed *Samuel Partridge*, passed on in Council, *viz.* Read and Concurred with the Deduction of *l.* 2 4 *s.* 5 *d.* over-cast in the Billeting. Sent down for Concurrence.

Read and Concurred.

Ordered, That Mr. *Dyer*, Mr. *Clark*, and Mr. *Andros* go up to the Honourable Board and enquire, Whether they have acted on the Vote of this House for removing Col. *Walton*, and Maj. *Moodey*, sent up this Morning.

Mr. *Dudley*, from the Committee of Muster-Rolls, Reported,

On the Muster-Roll signed *William White:* That having examined the same; They find it right cast and well vouched by the Oath of the said *William White*, Who declared that the Men contained in the said Roll were in actual Service the whole time Entred in the Roll: Therefore they are of Opinion, That the Sum of *l.* 25 3 *s.* 4 *d.* being the whole Amount of Wages due thereon, be allowed and paid out of the Publick Treasury to the Officers and Souldiers to whom they are respectively due, in full discharge thereof.

Read, accepted, and sent up for Concurrence.

On the Muster-Roll signed *John Wheelwright*, Colonel: That having examined the same containing Three Sheets, they find it right cast, Col. *Wheelwright* affirming the Men contained therein were on duty the whole time they are inserted, except *Eleazer Parker*, who has been absent One Month without leave: They are therefore of Opinion, That the Sum of *l.* 3 be deducted out of his Wages, and that he be not entred sooner on the next Roll than from the time he returns to his Post. And whereas *Lazarus Numack*, *J. Tray*, *S. Warman*, *J. Charles* and *W. Williams* are charged in said Roll to have received of the Commissary *l.* 19 15 *s.* 8 *d.* Who

being returned deserters: The Committee are of Opinion, That the Treasurer make good that Sum until he make it appear to this Court that the same was supplyed out of the Province Stores; and that the said Sum of *l.* 28 11 *s.* 1 *d.* so much said to be supplyed them by said Commissary. And that the remainder of the Wages due to the said Men, together with what is entred as due to *W. Eagle* and *H. Hopkins;* (Two other deserters) Amounting to in the whole the Sum of *l.* 22 4 *s.* 11 *d.* with the aforesaid Sum of *l.* 3, making *l.* 25 4 *s.* 11 *d.* be deducted and struck off the Wages due on this Roll: Therefore the Committee are of Opinion, That the Sum of *l.* 740 6 *s.* 11 *d.* being the full remainder of the whole Wages due on this Roll after the deductions and estople are reduced, be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on this Roll to whom the same is respectively due, in full discharge of the Wages due thereon.

Read, accepted, and sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock.

Veneris 4. die Januarii, 1722.

ORdered, That agreeable to the Vote of this House for making the East end of *Taunton*, *North-Purchase* a Township: That the divisional line between the East end of *Taunton*, *North-Purchase*, and the other part of *Norton*, be according to the Report of Messieurs *John Field*, *Ephraim Howard* and *John White*, a Committee appointed by this Court, *November*, 12th. 1717.

Sent up for Concurrence.

Mr. *Cooke* from the Committee of Petitions, Reported:

On the Muster-Roll of the Sloop *George*, *John Stratton* Master, the Committee having examined the same, find it right cast and well vouched, and that therefore the Sum of *l.* 173 7 *s.* 1 *d.* be allowed and paid out of the Publick Treasury, to Discharge the Wages and Sloop Hire, according to the said Muster-Roll.

Read, accepted and sent up for Concurrence. [65]

On the other Muster-Roll of the said Sloop *George*, The Committee find it right cast and well vouched; that therefore the Sum of *l.* 31 8 *s.* 2 *d.* be allowed and paid out of the Publick Treasury to discharge the Wages and Sloop Hire as in the said Roll. Read, accepted and sent up for Concurrence.

On the Accompt of *Samuel Gookin*, Sheriff, The Committee are of Opinion, That the Sum of *l.* 6 18 *s.* 10 *d.* be allowed and paid out of the Publick Treasury to *Samuel Gookin*, Sheriff, in full discharge of said Accompt. And that the same be added to the Bill of Cost of *John Blin* and *Ovid Rushbrook*, to be by them paid, before released from Imprisonment.

Read, accepted and sent up for Concurrence. .

On the Accompt of *Edward Winslow*, Sheriff, the Committee are of Opinion, That the Sum of *l.* 21 be allowed and paid out of the Publick Treasury to *Edward Winslow* Sheriff, in full of this Accompt.

Read, accepted and sent up for Concurrence.

On the Petition of Mr. *Daniel Wood*, the Committee are of Opinion, that the Act Entituled, *An Act for Propogating Religion*. Made and Passed at a Sessions of this Court *Novemb.* 23d 1715. Directs the General Assembly to provide Able, Learned and Orthodox Ministers, for Towns destitute, in such manner as that Law directs. And also provide for their Support and Maintenance, by adding so much to the Proportion of such Towns to the Publick Taxes, that therefore the Petition be dismist, being altogether groundless.

Read, accepted and sent up for Concurrence.

On the Sloop *Merry meeting* Muster-Roll; The Committee are of Opinion, That the Sum of *l.* 145 be allowed and paid out of the Publick Treasury, to Discharge the Wages due to the Master, Men and Sloop Hire, as in the above Muster-Roll, *&c.* Read, accepted and sent up for Concurrence.

On the Memorial of *Seth Pope*, &c. The Committee having considered the same, and the several Votes of the Town of *Dartmouth*, are of Opinion, that what was acted at the Town-Meeting at *Dartmouth* in *Novemb.* last, more especially their putting it to Vote, *Whether what the General Court had ordered the Town to pay that Year, should be made by the Select-Men?* And Voted in the Negative. And their Voting the Charges that might happen to the Select-Men, by non-complyance with said Order, should be paid by the Town. Together with the Vote of raising *l.* 700 on the Inhabitants, for securing the Select-Men for not making the Rate, and to pay Charges arising in sending to *England;* Also allowing the Select Men 6 *s. per* Day, for so many Days they should be in Prison on the Town s account; was in defiance of the good and wholesome Laws of this Province, and highly tending to stir up Rebellion, and in a most audacious manner endeavour to bear down the Authority of the well-established Government here. That therefore the Sheriff of the County of *Bristol*, forthwith repair to *Dartmouth*, and serve the Select-Men of the Town with a Copy of this Resolve; and strictly charge and direct them at their utmost Peril, that they do not attempt to proceed to put the aforesaid Votes in Execution. And if the Assessment of the *l.* 700 be not made and done, they stop further progress thereon. And in case it be finished and put into the hands of any Constable, Collector, *&c.* they cease Collecting the Sums committed to them, or any part thereof. And that the Hon. *Nathaniel Byfield*, Esq; be directed & Impowered to make enquiry into the several matters complained of in the said Petition, and bind over to the next Court of Assize, and General Goal Delivery, to be held for the County of *Bristol*, such Persons as were the principal Fomenters and Promoters in obtaining and making the aforesaid Illegal and Pernicious Votes.

Read, accepted and sent up for Concurrence.

On the Accompt for repairing the Province House, amounting to *l.* 29 12 *s.* 2 *d.* Signed by *Edward Winslow*, Sheriff. Read and

Ordered, That the Sum of *l.* 29 12 *s.* 2 *d.* be allowed and paid out of the publick Treasury to *Edward Winslow*, Sheriff, to discharge the said Accompt.

Sent up for Concurrence.

Ordered, That the Treasurer of the Town of *Boston*, be directed for the future to take Care of the necessary repairs of the Province House, and lay his Accompt before this Court for Payment. Sent up for Concurrence.

A Petition signed *Nicholas Andrews*, &c. praying they may be enabled by a private Act to review a Cause at *Newbury* Court against *John Cogswell* of *Marblehead*.

Read and [66]

Ordered, That it be referred to the second Friday of next Session, that the adverse party may be served with a Copy thereof, that they may shew forth reasons, why the prayer of the Petition may not be granted; and that in the mean time Execution be suspended. Sent up for Concurrence.

A Message by *William Tailer* and *Paul Dudley*, Esqrs; That the Board desires the Letters from the Government of *New-York*, *Connecticut* and *Rhode-Island* may be sent up, if the House have done with them.

Question, Upon the Law for regulating the Price and Assize of Bread, Passed at a Sessions of the General Court, Held at *Boston*, *July* 13*th*. 1720.

Whether White Bisket made to be Sold by the Hundred, and not by Tale, ought to be seized, and become forfeited, according to the Rules and Directions of that Law?

It pas'd in the Negative. And,

Resolved, That all White Bisket made to be sold by the Hundred, be marked with the Letter H. and all such Bisket that is not so marked, shall be forfeited and disposed as in the said Act is directed. Sent up for Concurrence.

Ordered, That Mr. *Wolcott* and Mr. *Fullam* go up to the Honourable Board, and inquire whether they have passed on the Vote of this House, referring to Col. *Walton* and Maj. *Moodey*. Who returned, They would send down.

A Muster-Roll signed *Samuel Barnard*, Capt. Sent down from the Council, passed on there, with the Deduction of *l.* 13 11 *s.* 3*d.* from Capt. *Barnard's* Wages, *l.* 3 8 *s.* from the Drummer's, who ought to be reduced to Centinels, and 2 *s.* 2 *d.* from the Subsistence, there being three Days overcast. *J. Willard*, Secr.

Sent down for Concurrence.

Ordered, That the said Roll be referred to the Committee of Muster Rolls, to be regulated according to the Report of the Committee for securing the Western Frontiers.

Who reduced the said Roll accordingly.

Which was accepted, and sent up for Concurrence.

Post Meridiem.

The Committee appointed on the 15th of *June* last to Survey the Province Lands Petitioned for by sundry Inhabitants of *Sherburn* & *Framingham*, presented a Plat of the said Lands. Also,

An Accompt of their Charges in Surveying the same, amounting to *l.* 17 1 *s.* 3 *d.*

Both Read, and

Ordered, That the said Land be Sold to the Petitioners at 12 *d. per* Acre, they further paying the charge of the Committee.

Ordered, That the Sum of *l.* 17 1 *s.* 3 *d.* be allowed and paid out of the Publick Treasury to the Committee in full of said Accompt.

Sent up for Concurrence.

Mr. Cooke from the Committee of Petitions, Reported, On the Memorial of the Honourable *William Dummer* Esq; Capt. of Castle *William;* The Committee are of Opinion, That an Armorer be provided and sent down to Castle *William*, that so the small Arms there may be repaired and kept in good order.

Read, accepted, and sent up for Concurrence.

On the other Memorial of the Honourable *William Dummer*, Esq; Capt. The Committee are of Opinion, That for an encouragement of a New Enlistment of good, able-bodyed Men in that Service for the space of Four Years next after the present establishment is at an end, That the Sum of *l.* 3 be allowed and paid out of the Publick Treasury to all the Warrant Officers and Souldiers that shall then enter in that Service; and that a Red-coat be given to each of them, to be provided by the Treasurer, not exceeding *l.* 3 price for each Coat, None but Free-men to receive the abovesaid Bounty.

Read, accepted, and sent up for Concurrence. [67]

On the Petition of the Souldiers belonging to Castle *William:* The Committee having inspected the Establishment of the Pay of the Officers and Souldiers at Castle *William*, and the Duty to be performed by them, passed *May* 29th. 1700. and by what information we have received, apprehend, That the Officers and Souldiers there have not done Duty as the Resolve enjoyned: The Committee therefore humbly propose, That the aforesaid Resolve be Read at the Head of the Company posted there Once a Month at least, that neither the Officers nor Souldiers may pretend Ignorance of their Duty, this Government justly expects from them to intitle them to the Pay and Wages setled on them, by that Establishment. And that the within Petition is answered on the Memorial of his Honour the Lieutenant Governour, Commanding Officer there.

Read, accepted, and sent up for Concurrence.

On the Muster-Roll of Castle *William:* The Committee having examined the same Roll signed *William Dummer*, and being certified by the Oath of *William Barnsdal*, Gunner, That the several Officers and Souldiers entred in the Roll have been at the Island and done Duty there: That therefore the Sum of *l.* 351 17 *s.* 4 *d.* be allowed and paid out of the Publick Treasury to discharge the Wages due to the Officers & Souldiers the several respective Sums due to them.

Read, accepted, and sent up for Concurrence.

Ordered, That Mr. *Wainwright*, Mr. *Quincey*, Mr. *Jordan*, Mr. *Noble*, Mr. *Rich-*

mond, Mr. *Sanders*, and Mr. *Hitchcock*, go up to the Board and pray them to pass on the Vote of this House referring to Col. *Walton* and Maj. *Moodey*, with all possible dispatch, that so this Court may proceed to the Affairs of the War.

A Message by *Nathaniel Pain* Esq; That the Board had passed a Non-Concurrence on the Vote of this House respecting Col. *Walton* and Maj. *Moodey*.

A Muster-Roll of the Sloop *George* was sent down from the Council, passed on there, *viz.* Read and Concurred with the deduction of 15 *s.* for a Week's Wages for *Francis Lowd*, being over-cast. Sent down for Concurrence.

Read & Concurr'd.

A Message by *Addington Davenport*, Esq; That the Board are sending down something, and therefore desire the House not to Rise.

The Vote of the Honourable Board upon their Hearing the Petition of the Trustees of the School of *Ipswich*. Read and Committed to Mr. *Cooke*, Mr. *Dudley* and Mr. *Fullam* to consider the same, aud make their Report thereon to the House.

John Cushing and *John Wheelwright*, Esqrs; brought down the following Vote, *viz.* His Honour the Lieut. Governour, having this Day Communicated to the Board, Letters from Col. *Walton* and Maj. *Moodey*, desiring leave to quit the Service, they being paid to the time of their Dismission. And it being of Great Consequence to this Government, that the Chief Officers of the Forces Eastward, especially in any Offensive Marches or Expeditions against the Enemy be Persons well qualified.

Voted, That his Honour the Lieut. Governour be desired to appoint and Commissionate some other suitable Persons for that Post and Service.

Sent down for Concurrence. Read & Non-concurr'd. And,

Ordered, That his Honour the Lieut. Governour be desired to dismiss Col. *Walton* and Maj. *Moodey;* and Commissionate other suitable Person or Persons to Command the Forces Eastward in their Room. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a-Clock. [68]

Sabbati 5. die Januarii, 1722.

MR. *Cooke* informed the House, That Col. *Walton* had given in a Journal of his Proceedings Eastward, also several Letters and Orders he received from his Excellency the Governour. Which he read in his Place, and laid upon the Table.

Thomas Hutchinson and *Paul Dudley*, Esqrs; brought down a Muster-Roll, signed *Samuel Barnard*, Capt. Passed on in Council, *viz.* Read and Non-concurr'd, and upon Reconsideration, the Board Concur with the first Resolve of the Honourable House, on the said Roll, with the deduction of *l.* 3 8 *s.* from the Drummer's Wages, whereby they will be reduced to Centinel's.

Sent down for Concurrence. Read & Concurr'd.

John Wheelwright and *Thomas Hutchinson*, Esqrs; brought down a Memorial of the Honourable *William Dummer*, Capt. of Castle *William*, on the Vote about a new Establishment. Read in Council and Concurred with Amendment.

Sent down for Concurrence. Read & Non-concurred.

Samuel Partridge, Esq; brought down the Vote of this House sent up last Night, for dismissing Col. *Walton* and Maj. *Moodey*. Pass'd on in Council, Read and Non-concurr'd, and the Board adhere to their former Vote.

Sent down for Concurrence.

Read and Non-concurr'd *Nemine Contradicente;* and the House insist on their former Vote. Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Wainwright*, Mr. *Jordan*, Mr. *Little*, and Mr. *Stevens*, be a Committee of this House, forthwith to meet and consider what is proper for this House to do on the present Circumstances of the War in the Eastern-parts.

Mr. *Cooke* on the Committee of Petitions, Reported:

On the Accompt of Col. *Partridge* Charges on *Blin* and *Rushbrook*, The Committee are of Opinion, That the Sum of *l.* 14 1 *s.* 1 *d.* be allowed and paid out of the Publick Treasury, to *Luke Hitchcock*, Esq; for him to pay and discharge the several Sums due to the Persons mentioned in said Accompt, and to be repaid by them when Discharged. Read, accepted and sent up for Concurrence.

On the Accompt signed *Samuel Jordan*, amounting to *l.* 8 18 *s.* The Committee are of Opinion, that the said Sum of *l.* 8 18 *s.* be allowed and paid out of the Publick Treasury to Mr. *Samuel Jordan* for his Charges in coming down, according to the Order of this Court. Read, accepted and sent up for Concurrence.

Mr. *Cooke* from the Committee on the Petition of the Trustees of the School of *Ipswich*, Reported:

The Committee are of Opinion, That the House Concur with the Board, the Action being pending at the Superiour Court of Judicature, to be held at *Ipswich* in *May* next.

And are further of Opinion, That when any Person brings an Action for Tryal of Title to any Real Estate, the Action ought not to abate, and the Plaintiff put to purchase another Writ, upon the Defendant's pleading he is not in Possession of the Premises, having nothing further to support the Plea, but producing a Letter to a third Person, and the Defendant being before, and at the Service in the Possession and Improvement thereof; Any Law, Usage or Custom to the contrary notwithstanding. Read, accepted, and sent up for Concurrence.

On the Petition of *Peter Butler* Merchant, The Committee are of Opinion, That it be Dismiss'd. Read and accepted.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [69]

VOTES

Of the House of Representatives.

Lunæ 7. die Januarii. 1722.

Post Meridiem.

MR. *Cooke* from the Committee, appointed the 5th. Instant to consider what is proper to be done on the present Circumstances of the War in the Eastern-parts. Made their report, which was Read.

The Petitioners & Respondents on the Petition of *John Hunt*, which was sent down from the Council, and passed upon the 2d. Instant, having had a full hearing on their case. The Private Act for Mr. *Hugh Hall*, and the Order of Council on the Petition being Read. The Question was put, *Whether this House Concurr with the Vote of the Board on this Petition?*

It passed in the Affirmative.

A Message by *John Appleton* Esq; That the Board have Non-concurred the Vote of this House on the Petition of *Dartmouth;* with the following Vote of Council, *viz.* That *William Tailer*, *Samuel Sewall*, and *Addington Davenport*, Esqrs; be a Committee of this Board to confer with a Committee of the Honourable House of Representatives on the subject Matter of the Petition of *Seth Pope*, &c.

Sent down for Concurrence.

Read and Concurred, and that Mr. *Cooke*, Mr. *Fullam*, Mr. *Clark*, and Mr. *Peirce* be a Committee of this House to confer with them.

A Message by Mr. Secretary, *viz.* Mr. Speaker, *I am directed by his Honour the Lieutenant Governour to Acquaint this House, That he is ready to put in Execution the Operations of the War agreeable to the Advice of this Court, as soon as the Treasury shall be supplyed with Money necessary for the same. And therefore desires that the House would loose no time in making provision accordingly: and Passing the Muster-Rolls now with the House, that the Officers may not be hindred from attending the Service.*

Upon receiving the above Message, the Question was put, *Whether the Vote passed,* January *1st. for Re-considering their Vote for Concurring with a Vote of Council in accepting the Report of the Committee of War: The House did not make Null and Void their former Vote of Concurrence with the Council in accepting the Report of the said Committee of War?* It passed in the Affirmative.

Wherefore,

Ordered, That a Message be sent to his Honour the Lieut. Governour, That this House doth not know of any Operations of War that they have been of advice in.

Sent up by Mr. *Wolcott* and Mr. *Chambers*..

John Wheelwright Esq; brought down the following Vote. Ordered, That *Samuel Partridge*, *Jonathan Belcher*, and *Samuel Thaxter*, Esqrs; with such as the Honourable House of Representatives shall joyn, be a Committee to consider what is proper for the Court to do on the Affairs of the Five Nations, and make Report as soon as may be. Sent down for Concurrence.

Read and Concurred. And

Ordered That Mr. *Cooke*, Mr. *Fullam*, Mr. *Chandler* and Mr. *Dwight*, be a Committee of this House to joyn with them.

Then the House adjourned till to Morrow Morning 9 a-Clock. [70]

Martis 8. die Januarii, 1722.

R*Esolved*, That this House do not think it for the Honour of the Crown, nor Interest of this Province, That Col *Walton* and Maj. *Moodey* be any longer continued to Command the Forces Eastward. Therefore, They earnestly pray his Honour the Lieutenant Governour, That he dismiss those Officers, otherwise they shall be necessitated to draw off part of the Forces.

Sent up by Mr. *Clark*, Mr. *Little*, and Mr. *Johnson*.

An Act *for the further Encouragement and Regulation of Officers, and Souldiers retained in His Majesty's Service.* Read a 3d time.

A Muster-Roll of the Sloop *Virgin*, a transport in the Service, *Caleb Pratt* Master, amounting to *l.* 111 10 *s.* Read and Committed.

Post Meridiem.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Rolls of Capt. *Harman*, Capt. *Penhallow*, Capt. *Heath*, and Lieut. *Hilton*, That there being no person to vouch them, They are of Opinion they be referred to the next Sessions. Read and Accepted.

Sent up for Concurrence.

A Message by Mr. Secretary, *viz.*

Mr. Speaker,

I *Find the House by their Message sent up this Morning do assume the Power of drawing off His Majesty's Forces now in the Eastern Country: It's therefore My duty to put you in Mind, That the Authority for drawing off the Forces is Vested in Me by the* KING's *Commission and the Royal* CHARTER, *and that I expect the Messages of the House to the Chair, be properly addressed before I can enter into the Consideration of them.* Wm. Dummer.

Ordered, That a Message go up to his Honour the Lieut. Governour and ac-

quaint him, That the House desire those words in the Message sent up this Morning [*Draw off part of the Forces*] may be with-drawn: The House intending no more by them, than to with-draw their Pay and Subsistence from part of those Forces.

Sent up by Mr. *Wolcott* and Mr. *Little*.

An Accompt signed *Joseph Bacon*, amounting to *l.* 12 for bringing up 16 Whale-boats for the *Penobscut* Expedition. Read and

Resolved, That the Sum of *l.* 4 be allowed and paid out of the Publick Treasury to Mr. *Joseph Bacon* in full of said Accompt: He having received *l.* 8 from Mr. Treasurer. Sent up for Concurrence.

Mr. Secretary brought down an Engrossed Bill *for the Ease of Debtors*, left unsigned by his Excellency. Signed and sent up.

Ordered, That a Message be sent to his Honour the Lieut. Governour, and the Honourable Board to enquire, Whether this House may expect any thing down this Evening.

A Message by *Benjamin Lynde* Esq; That there is nothing likely to come down from the Board this Evening.

Resolved, That this House will not enter upon any private Affairs, unless they be of an extraordinary nature.

Then the House adjourned till to Morrow Morning 9 a-Clock. [71]

Mercurii 9. die Januarii, 1722.

AN Accompt signed *Habijah Savage* amounting to *l.* 72 15 *s.* 1 *d.* for billiting Souldiers from *July* 6th to *November* 9th. Read and Committed.

A Message from his Honour the Lieut. Governour by Mr. Secretary, *viz. I have lately received Letters from Col.* Walton *and Maj.* Moodey, *wherein they desire leave to quit their Command in the Army as soon as they shall be paid off. I therefore desire that the Honourable House will as soon as may be, pass upon their Muster-Rolls that they may have their dismission accordingly; and I shall use my best Endeavours as soon as may be, to supply those Commands of such Importance to the Service of this Province, with other sufficient Persons.* Wm. Dummer.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

That they had examined the Roll of Col. *Shadrack Walton*, and find it right cast and well vouched by Col. *Walton*, and the Report of the Committee that went Eastward; and whereas there is *l.* 108 15 *s.* due to Col. *Walton* for Wages at *l.* 21 *per* Month. The Committee are of Opinion, That the Sum of *l.* 36 5 *s.* be struck off from the said Sum, and *l.* 17 3 *s.* 8 *d.* from *James Brentnal*, as Lieutenant. And *l.* 15 from *Samuel Dowse*, as Commissary. And *l.* 78 6 *s.* 9 *d.* from Nine Deserters, Namely, *R. Cox*, *J. Taylor*, *J. Fuller*, *I. Keen*, *R. Jones*, *J. Brown*, *J. Leech*, *J. Indian*, *S. Rhodes*. And that the Sum of *l.* 411 8 *s.* 8 *d.* being the remainder of the whole Wages due on the Muster-Roll be allowed and paid out of the Publick

Treasury to the Officers and Souldiers born on this Roll, to whom the same is respectively due, in full discharge of the Wages thereof. And that the Treasurer make good to the Province the Sum of *l.* 52 19 *s.* 6 *d.* said to be supplyed by the Commissary in part of the Nine Deserters, until Mr. Treasurer or his Substitutes can make it appear to this Court, That the said Men were supplyed out of the Publick Stores: Which Sum is to be Subducted from the Sum of *l.* 143. 3 *s.* said to be delivered to the Souldiers by the Commissary, *&c.*

Read, accepted, and sent up for Concurrence.

A Memorial signed *James Brentnal*, praying, That as the Committee have cut off his whole pay as Lieutenant under Col *Walton*, that this Court would allow him something for his Time and Service. Read, and the Question being put, *Whether he be allowed pay as Centinel?* It passed in the Affirmative.

Post Meridiem.

An Accompt signed *Joseph Bean* amounting to *l.* 11 16 *s.* for Charges and his Time in coming down to attend the Order of this Court. Read and

Resolved, That the Sum of *l.* 8 be allowed and paid out of the Publick Treasury to *Joseph Bean* in full of his Time and Expence in coming to *Boston*, by Order of this Court. Sent up for Concurrence.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll of Capt. *John Sheple*, That having examined the same, they find it right cast and well vouched, Capt. *Sheple* affirming upon Oath, That the Men inserted were in actual Service the whole time they were born on the Roll. And are therefore of Opinion, That the Sum of *l.* 543 9 *s.* 10 *d.* being the whole Amount of the Nett Wages due on the Roll (exclusive of the use of the Province Arms, and what Slops have been delivered to the Men) be allowed and paid out of the Publick Treasury, to the Officers and Souldiers born on this Roll, to whom the same is respectively due, in full discharge of the same: They are therefore of Opinion, That the Treasurer make good to the Province the Sum of *l.* 32 1 *s.* 8 *d.* being so much said to be supplyed by the Commissary in part of the several persons hereafter mentioned, which have been some time born on this Roll, and are returned Deserters, until Mr. Treasurer or his Subsistitutes can make it appear that the said Deserters did actually receive that value out of the Province Stores, *viz.* [72]

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Francis Ned	8	7	5				
C—— Tom	3	9	11				
Joshua Pruhern	3	8	6		32	1	8
Joshua Ned	8	7	3				
Robert Montany	8	8	5				

Which Sum is to be taken out of the Sum of *l.* 98 14*s.* 9*d.* according to a Resolve of this House, so much said to be received by the Commissary in part, as by his Roll appears. Read, accepted, and sent up for Concurrence.

Whereas the House received a Message this Morning, from His Honour the Lieutenant Governour, desiring them to pass on the Muster-Rolls of Col. Walton, *that so he may dismiss him from the Service. And the House having accordingly passed said Roll.*

Voted, That his Honour the Lieut. Governour be requested to dismiss Col. *Walton* from the Service of this Government forthwith.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

The Committee having examined the within Muster-Roll sign'd *Samuel Moodey*, containing Two Sheets, Report thereon as follows, *viz.* The Committee find it to be right cast and well vouched by the Oaths of Maj. *Moodey* and *Joseph Bean*, who affirmed That the Men were in actual Service for the whole time they stand entred. Whereas *Joshua Moodey* is entred in the Roll as second Lieutenant, and has carryed out to him as due for Wages the Sum of *l.* 32 14*s.* 7*d.* The Committee not being sensible of any Establishment for such an Officer, and there being no Clerk, and but two Serjeants. The Committee are of Opinion, that the said *Joshua Moodey*'s Wages be therefore reduced to Serjeant's Pay; and that the Sum of *l.* 10 18*s.* 5 *d.* be accordingly deducted and and struck out of his Wages. And whereas *Joseph Bean* stands entred Pilot at 20*s.* *per* Week, and his Wages as due to him is carried out at *l.* 30 14*s.* 7*d.* and the Committee not knowing of any Establishment for such an Officer, are therefore of Opinion, That the said *Bean's* Wages be reduced to Serjeant's Pay; and that the Sum of *l.* 10 5*s.* 1*d.* be deducted from his Wages accordingly. The Committee are further of Opinion, That the Sum of 8*s.* 6*d.* be struck out of *James Carter*'s Wages, and the like Sum of 8*s.* 6*d.* be struck out of *Jacob Key*'s Wages, they being born on the the Roll Six Days sooner each than they Entred into the Service, as the Deponant *Moodey* inform'd the Committee before the was Oath administred to him. The Committee are farther of Opinion, That the Sum of *l.* 25 17*s.* 5 *d.* being so much arising for Charge in Summoning the several Evidences and their Attendance, on the Hearing before the whole Court, touching the Complaints, *&c.* against Maj. *Moodey*, be deducted from said *Moodey's* Wages. All which deductions, with the Sum of 14*s.* 3 *d.* so much said to be due to *William Martin* returned a Deserter, amounting in the whole to the Sum of *l.* 48 12*s.* 6*d.* be deducted from the Sum of *l.* 911 10*s.* 7*d.* Nett Wages said to be due on this Roll; and that the remaining Sum, *viz.* *l.* 862 18*s.* 1*d.* being the full Amount of the Wages due on this Roll, be allowed and paid out of the Publick Treasury, to the Officers and Souldiers born herein, to whom the same is respectively due, in full discharge of the Wages of this Roll. The Committee having Examined Maj. *Moodey* touching the Fourteen Inhabitants of the County of *York* return'd by the Committee that went Eastward, find four of

them Commissionated by the Captain General, and one a Ferry-Man; the other Nine, Maj. *Moodey* produced an Order from the Captain General therefor, with Certificates from the Select-Men of several Towns in that County concerning them. Which Order and Certificates are herewith humbly offered to the Consideration of the House. By Order of the Committee,

William Dudley.

Read, accepted, and Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock.

ERRATA: *Page*, 68. *line* 40. *for* Letter, *read* Lease.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1 7 2 2. [73]

VOTES

Of the House of Representatives.

Jovis 10. die Januarii, 1722.

AN Act in addition to *An Act to Enable* Hugh Hall, *&c.* Read a 2d time. *Ordered*, That Col. *Chandler* go up to the Honourable Board and enquire, Whether they have acted upon the Vote of this House relating to the College, passed on the 22 d of *November* past.

Post Meridiem.

An Act in addition to *An Act to Enable* Hugh Hall, *&c.* Sent down from the Honourable Board for Concurrence. Read a 3 time and Concurred

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll signed *Thomas Buckminster* and *Samuel Willard* Serjeants, of the *Groton* and *Lancaster* Men, and *Josiah Willard*, Corporal of the Men at *Turkey-Hill*, find it well cast and vouched by the Oaths of the said Serjeants and Corporal. The Committee observing several *Groton* and *Lancaster* Inhabitants, more than allowed by the General Court as Scouts, are of Opinion, That the whole Wages carryed to the above Named Serjeants and Corporal, amounting to the Sum of *l.* 25 1 *s.* be detained in the Treasury, till they shew forth sufficient reason to this Court, wherefore the said Inhabitants were admitted into the Service, and under their respective Commands. And whereas the Sum of *l.* 39 15 *s.* 7 *d.* is carryed as due to *William Laurence*, *J. Langley*, *J. Boyden*, *J. Shepley*, *J. Gilson* and *J. Prescot;* as by the Roll appears, which Men were allowed as a Scout for the Town of *Groton:* The Committee are of Opinion, That the said Sum of *l.* 39 15 *s.* 7 *d.* be allowed and paid out of the Publick Treasury unto Capt. *Jonas Prescot* of *Groton*, to be by him paid to the said Persons, or any others that have performed the said Scout, in full discharge of the Wages due to the said Six Men; a Scout appointed by order of the General Court. The Committee are further of Opinion, That the Sum of *l.* 40 6 *s.* 7 *d.* carryed out as due to *Hooker*, *Osgood*, *J. Johnson*, *R. Eastman*, *S. Layer*. *D. Osgood* and *J. Baily*, as by the Roll appears, which Men were allowed as Scout for the Town of *Lancaster*, be allowed and paid out of the Publick Treasury to Mr. *Jabez Fairbanks* of *Lancaster*, to be by him paid to the said *Hooker*, &c. or to any others that have performed the said Scout, in full discharge of the Wages due to the said Men, a Scout appointed by Order of the General Court. And after the said Payments of *l.* 39. 15 *s.* 7 *d.* and *l.* 40 6 *s.* 7 *d.* as aforesaid: and the estoples of the abovesaid Serjeants and Corporal's pay included, amounting to in the whole the Sum of *l.* 105 3 *s.* 6 *d.* are Subducted from

the Sum of *l.* 286 13 *s.* 3. the Nett Wages said to be due on this Roll: that the remaining Sum of *l.* 181 9 *s.* 9 *d.* being the whole Amount of the Wages due on said Roll, be allowed and paid out of the Publick Treasury to the Souldiers born on the same, to whom the same is respectively due, in full discharge of the same. The Committee are also of Opinion, That the whole Subsistance of the Officers and Men born on these Three Rolls containing Three Sheets, amounting to the Sum of *l.* 221 5 *s.* be allowed and paid out of the Publick Treasury to Col. *Joseph Buckminster*, to be by him paid to the several Persons that have advanced any Subsistance for them; the Treasurer first Subducting what Subsistance he has already supplyed them with. Read, accepted, and sent up for Concurrence.

On the Muster-Roll signed *Thomas Buckminster*, Serjeant, of the *Rutland* Scout, for the First Month: That having examined the same they find it right cast and well vouched by the Oath of said *Buckminster*, are therefore of Opinion, That the Sum of *l.* 57. 8 *s.* 2 *d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers born thereon, to whom the same is due respectively, in full discharge of the Wages on this Roll.

Read, accepted, and sent up for Concurrence. [74]

On the Muster-Roll signed *Nahum Ward*, Serjeant of *Westborough* & *Shrewsbury* Scouts, the Committee find it right cast and vouched by the Oath of said *Ward;* are therefore of Opinion, That the Sum of *l.* 116. 6 *s.* 10 *d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers to whom the same is respectively due, according as they stand Entred on the Roll, in full discharge of the Wages due on this Roll.

Read, accepted, and sent up for Concurrence.

In the House of Representatives.

For the preventing of any future Cheats and Abuses in paying the Officers & Souldiers retained in the Publick Service:

Resolved, That there shall be a Person chosen and appointed by this Court to receive the Wages becoming due to the Officers and Souldiers from the Treasurer, and pay the same to the Officers and Souldiers to whom they are respectively due, taking their Receipts for the same for his discharge.

Sent up for Concurrence.

Whereas the Law for the more easy Levying and Regulating Souldiers, passed at a Session of the General Court, August 23. 1721. *gives a Bounty of* 40 s. *to all able bodyed and effective Men that shall enter themselves Volunteers in the Service; which hath proved no advantage to the Government:*

Resolved, That hence-forward no such Bounty or Præmium shall be paid to any Volunteers, That Paragragh: Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

A Petition signed *William Partridge* and 25 others of the Town of *Medfield*,

praying, That they may have liberty to purchase some Lands lying between the Towns of *Oxford*, *Brimfield*, *Brookfield*, and the Province line.

Read, and referred to the *May* Sessions.

An Accompt signed *Johnson Harman*, amounting to	*l.* 21	18 *s.*	0
An Accompt signed *John Penhallow*,	*l.* 51	6 *s.*	0
An Accompt signed *John Gooch*.	*l.* 14	10 *s.*	4 *d.*

All Read and Committed.

Resolved, That there be allowed and paid out of the Publick Treasury to Volunteers without Pay or Subsistance for each Scalp of any Male Indian, of the Age of 12 Years or upwards; the Sum of *l.* 100 over and above the Bounty allowed by the Act *for Incouraging and Prosecuting the Indian Enemy and Rebels*. And that there be allowed and paid to the Regular Detached Forces in pay of the Government, the Sum of *l.* 85 for each Scalp over and above the Bounty allowed by the said Act. Sent up for Concurrence.

Resolved, That his Honour the Lieut. Governour be desired to express his Orders, that 20 Men only of the 40 in the County of *Hampshire*, be retained in the Service of the Province and Posted at *Northfield*, for a Scout up Connecticut-River, and for Defence of the Inhabitants there. And that 10 Men only of the 30 in the County of *Middlesex*, be retained and posted at *Dunstable* for a Scout up Merrimack-River, and for the Defence of the Inhabitants.

A Petition signed *Samuel Hinkes*, praying some allowance for a Well made by him, for the use of the Garrison of Fort *Mary*, and that the Pay of the Souldiers there, may be raised. Read and

Ordered, That upon a New Enlistment of 10 good and able-bodied Men at Fort *Mary*, their Pay be advanced to 30 *s.* per Month to the Men, and proportionably to the Officers during this present War. And that there be allowed and paid out of the Publick Treasury, the Sum of *l.* 6 to Mr. *Samuel Hinkes* for the Well.

Sent up for Concurrence.

William Tailer, *Addington Davenport* and *Thomas Hutchinson*, Esqrs; brought down the Muster-Roll of Maj. *Moodey* not passed upon, but recommended to the House to be Reconsidered.

Then the Question was put, *Whether the House would reconsider their Resolve on the said Roll.* And it passed in the Negative.

Then the House adjourned till to Morrow Morning 9 a Clock. [75]

Veneris 11. die Januarii, 1722.

Ordered, That the Treasurer be directed to supply each of the Indian-Hostages at the Castle with a Blanket, Shirt and a pair of Stockings for their Clothing. Sent up for Concurrence.

Ordered, That sufficient Pilots for the Land and Sea Service, be forthwith provided, to be paid after the Rate of *l.* 4 per Month.

Sent up for Concurrence.

Samuel Partridge, Esq; brought down a Vote of this House for taking off the Bounty of 40 *s.* to able-bodied Men, passed on in Council, *viz.* Read and Concurred, and Ordered, That a Bill be brought in accordingly.

Sent down for Concurrence. Read and Concurred.

Also the following Vote, *viz.* In Council, *January* 10th, 1722. Ordered, That *Samuel Brown* and *Edmund Quincey*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to revive the Act *for Levying and Regulating Souldiers;* and that they bring in a Bill for making such Alterations in the said Act, as may be thought necessary.

Sent down for Concurrence. Read and Concurr'd. And,

Ordered, That Mr. *Dudley*, Mr. *Chandler* and Mr. *Fullam*, be joyned with them.

Sent up for Concurrence.

Also a Muster-Roll signed *Francis Barker*, pass'd on in Council, *viz.* Read and Concurred with the Addition of 11 *s.* to the General Sum, so much being deducted more than ought to be from Capt. *Barker*'s Wages.

Sent down for Concurrence. Read and Concurred.

Also a Report of the Committee of both Houses for sending Commissioners to the Five Nations. Passed on in Council, *viz.* Read and accepted, with Amendments. Sent down for Concurrence. Read and Non-concurred.

And the House accept of the Report of the Committee, with an Amendment of theirs, &c. Sent up for Concurrence.

This House being informed that Col. Shadrach Walton *late Commander of the Forces Eastward, did Yesterday presume to Dismiss two Souldiers from the Service, for* 40 *s. each; and is bound Eastward, having given out such Speeches as (if possible to be accomplished by him) may prove very pernicious to this Government:*

R solved, That the Sheriff of the County of *Suffolk*, be directed forthwith to follow the said Col. *Walton*, and order his return to *Boston*, to attend the Order of this Court. Sent up for Concurrence.

A Message by Mr. Secretary, *Viz.*

Mr. Speaker,

I *AM Commanded by the Lieutenant Governour, to inform this Honourable House, That he has ordered a Commission forthwith to be made out to a proper Person, to take the Chief Command of the Forces Eastward; and therefore recommends it to the House speedily to make the necessary Provisions of Money and Stores for carrying on the design'd Expedition against the* Indian Enemy; *and that in the mean time His Honour will take Care to make the necessary Dispositions on his part.*

Mr *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll signed *Joseph Heath*, containing Two Sheets, That they having examined the same, find it right Cast and Vouched by the Oath of *Jabez*

Bradbery, One of the Serjeants, born on this Roll, who affirmed, That all the Men were in actual Service for the whole time they stand entred (except Lieut. *George Allen*, who was not at his Post for some time in the Months of *July* and *August* last, with some of the Souldiers of this Company, who were detained by him about his private Affairs. Therefore the Committee are of Opinion, That the said Lieut. *George Allen* s Wages amounting to the Sum of *l.* 16 14 *s.* 2 *d.* be detained in the Treasury until he renders a sufficient reason to this Court wherefore he was so long absent from his duty. And whereas the Sum of *l.* 33 15 *s.* 5 *d.* is entred as supplyed by the Commissary in part of the several Persons following, *viz. E. Jackson l.* 5 17 *s. T. Skinner l.* 2 14 *s.* 3 *d. T. Drate* [76] *l.* 4 4 *s.* 3 *d. E. Marcey l.* 7, *W. Drake l.* 7, *H. Hall l.* 7, all which Men are returned Deserters. The Committee are therefore of Opinion, That the Treasurer make good to the Province the said Sum of *l.*33 15*s.* 5*d.* until he or his Substitutes can make it appear that the several Sums were supplyed out of the Publick Stores: and after the deduction of the said *l.* 33 15 *s.* 5 *d.* and the estople of *l.* 16 14 *s.* 2 *d.* all deducted from the Sum of *l.* 575 14 *s.* 2 *d.* The Committee are of Opinion, That the remaining Sum of *l* 561 being the Amount of the Wages due on this Roll, be allowed and paid out of the Publick Treasury to the Officers and Souldiers contained in this Roll to whom the same is respectively due in full discharge thereof.

Read, accepted, and sent up for Concurrence.

Post Meridiem.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll signed *John Penhallow*, containing Two Sheets, The Committee having examined the same find it right cast and well vouched by the Oath of Mr. *John Gooch*, who affirmed, That the Men born on said Roll were in actual Service the whole time set down. And whereas *Samuel Hunt* returned a Deserter, has entred to him, as supplyed by the Commissary in part, the Sum of *l.* 5 11 *s.* 11 *d.* The Committee are of Opinion, That the Treasurer make good the said Sum to the Province, until he or his Substitutes can render sufficient reason to this Court that the said Sum was supplyed the said *Samuel Hunt* out of the Publick Stores; and that 2 *s.* 4 *d.* said to be remaining due as Wages to said Deserter be deducted from the Wages of this Roll, and that the Sum of *l.* 919 8 *s.* 4 *d.* being the Nett Wages of this Muster-Roll, be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on the same to whom it is respectively due, in full discharge thereof. And there being 20 Inhabitants of the County of *York* born on this Roll, as appears by the report of the Eastern Committee, Two of whom the Committee find Commissionated by the Captain General, the remaining 18 were delivered to Capt. *Penhallow* by Col. *Edmund Goffe*, upon the Receipt of his Company from said *Goffe*. Read, accepted, and sent up for Concurrence.

On the Muster-Roll signed *Johnson Harman* containing Two Sheets, find it right cast and well vouched by the Oath of *Jeremiab Dow*, the only Soldier of this Company now in Town, and who has been under Capt. *Harman's* Command the whole time of this Roll. Whereas Lieut. *John Goddard* is carryed out to the 20th of *Novem.* and has not been at his Post since *August* last; The Committee are of Opinion, That the Sum of *l.* 13. be stopt out of his Wages. And Whereas *William Fowler* is carryed out for the whole time, and he being allowed Wages in *Almsbury* Scout from the 25th of *September;* The Committee are of Opinion, That the Sum of *l.* 4 1 *s.* 5 *d.* be deducted out of his Wages. And whereas *Samuel Ferguson* has carryed by him, received of the Commissary, the Sum of *l.* 16 2 *s.* 10 *d.* and he being returned a Deserter. The Committee are of Opinion, That the Treasurer make good said Sum to the Province, until he or his Substitutes can render sufficient Reason to this Court, that said *Ferguson* received the same out of the Publick Stores. And after the aforesaid Deduction, amounting to the Sum of *l.* 17 1 *s.* 5 *d.* with the estople *l.* 16 2 *s.* 10 *d.* The remaining Sum of *l.* 1018 15 *s.* 4 *d.* being the whole Amount of the Wages due on this Muster-Roll, be allowed and paid out of the Publick Treasury to the Officers and Souldiers born herein, to whom the same is respectively due in full discharge. Whereas the Committee that went Eastward have returned 22 Inhabitants of the County of *York*, agreeable to the Roll delivered them by Capt. *Harman*, (including the 22 Men taken in by a Resolve of this Court,) the other 6 were Commissionated and admitted by the Capt. General

Read, accepted and sent up for Concurrence.

A Bill *for punishing Officers and Souldiers retained in His Majesty's Service and Pay.* Read a 3 d time and Concurred.

Spencer Phipps, Esq; brought down a Plat of the Land Petitioned for by the Inhabitants of *Sherbourn* and *Framingham.* Read in Council, and Non-Concurred, because of the price. [77]

An Act *for the further Encouragement and Regulation of the Officers and Souldiers retained in His Majesty's Service*, &c. Pass'd in Council to be Engrost, and sent down for Concurrence. Read a 3d time and Concurred.

Spencer Phipps, Esq; brought down a Report of the Committee of both Houses about Meeting the Five Nations, desiring the House would Reconsider their Vote thereon.

Read, Reconsidered and Concurred with the Vote of the Council on that Report.

Mr. *Dudley* from the Committee of Muster-Rolls, Reported:

On the Muster-Roll signed *Eleazer Tyng* Colonel, *Jonathan Buterfield*, *Joseph Varnum* and *Ebenezer Eastman*, Serjeants, and *John Foot* Corporal, The Committee having examined the same, containing Three Sheets, find it to be right cast and well vouched, by the Oaths of the said *Varnum*, *Eastman* and *Foot*, who Declared that the Souldiers entred in the respective parts of the Roll, to which they have severally signed, were in the Service and did Duty for the whole time

they stand entred, And whereas *Abner Herriman* one of the Souldiers in the *Haverhill* Scout, under Serj. *Ebenezer Eastman*, has carried out to him for Wages, the Sum of *l* 6 18*s*. 6*d*. and the said *Abner Herriman* being sometime a Souldier Eastward, under the Command of Capt. *Johnson Harman*, and returned a Deserter, and he having received of the Commissary in part, the Sum of *l*. 6 10 *s*. 6 *d*. while with said *Harman;* The Committee are of Opinion, That *l*. 6 10 *s*. 6 *d*. be deducted out of the said *Herriman*'s Wages, and detained in the Treasury, to satisfy the aforesaid Sum he received of the Publick Stores. The Committee are therefore of Opinion, That the Sum of *l*. 733 16 *s*. 7 *d*. being the full Amount of the Wages due on this Roll, after deducting said Sum from the said *Harriman* as abovesaid, be allowed and paid out of the Publick Treasury, to the Officers and Souldiers born on this Muster Roll, in full Discharge of the Wages thereof. And further, That the Sum of *l*. 363 19 *s*. 2*d*. being for Subsisting the Officers and Souldiers herein contained, excepting and deducting what the Treasurer has already sent them for Subsistance, be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, to be by him paid to the several Persons that have Billeted or Subsisted any of the Men born on the within Roll. The Committee find several of the Inhabitants of *Dunstable* and *Dracut* born on this Roll, which were admitted by Order of the Captain General to Col. *Tyng;* also several *Haverhill* and *Almsbury* Men which were impressed into the Service by Col. *Thomas Noyes* of *Newbury*, and delivered to the said Col. *Tyng*.

Read, accepted and sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock.

Sabbati 12. die Januarii, 1722.

A Petition of *Patience Copp*, praying liberty to Sell a part of some Upland and Flats at the South end of the Town of *Boston*, belonging to Minors, *&c*. for the Reasons therein. Read, and referred to the *May* Sessions.

Jonathan Belcher, Esq; brought down a Memorial signed *Thomas Buckminster*, with a Petition signed *Joseph Buckminster*, in behalf of his Son, *Samuel Willard* and *Josiah Willard*, praying, That as there has been an estople laid on their Wages, that they may have a hearing thereon before the Court.

Read in Council and sent down. Read and

Ordered, That they give in their reasons in Writing: Which they did, and were then admitted; and after a hearing the Question was put, *Whether the reasons were sufficient to enduce this House to take off the estople on their Wages?*

It passed in the Negative.

Mr. *Cooke* from the Committee of Petitions, Reported:

On the Accompt signed *Thomas Sanders*, They are of Opinion, That the Article of *l*. 12 on loss of Fraight, should be reduced to *l*. 10 the other Articles being agree-

able: That therefore the Sum of *l.* 18 be allowed and paid out of the Publick Treasury to Mr. *Thomas Sanders*, to discharge the said Accompt.

Sent up for Concurrence. [78]

A Petition signed *Thomas Goodwin* of *Reading*, praying, (That as he received a Commission filled up by Maj. *Moodey*, to be Lieutenant of the Company under Capt. *Ward*, and his Wages being struck off because *Daniel Pecker* had a Commission for Lieutenant of the same Company) he also may be allowed his pay for the Six Weeks, he served in said Company.

Resolved, That the Sum of *l.* 6 be allowed and paid out of the Publick Treasury to Lieutenant *Thomas Goodwin* in full of this Petition.

Sent up for Concurrence.

John Wheelwright, Esq; brought down a Muster-Roll signed *Eleazer Tyng*, passed on in Council, *viz.* Read and Concurred with the deduction of 10 *s.* from Col. *Tyng*'s Wages for Five days he has charged for himself more than any of his Men. Sent down for Concurrence.

Read and Non-concurred, for that Col. *Tyng* received his Orders Five days before the enlisting his Men. Sent up for Concurrence.

A Petition signed *James Brintnal*, praying, That he may not be considered in the capacity of a Centinal, but may have some allowance in consideration of his Service as Lieutenant. Read.

Thomas Hutchinson, Esq; brought down a Muster-Roll of Maj. *Moodey*'s, passed on in Council, *viz.* Read and Concurred, Provided the following Articles be not deducted from Maj. *Moodey*'s Wages, *viz.* *l.* 11 11 *s.* 6 *d.* to *Joshua Underwood.*

l. 3 to *Young*, *Harper* and *Lethgo*, because they did not appear at the hearing before the Court.

l. 7 to Lieut. *Brintnal*, who was sent by the Governour on another Affair, *viz.* To carry a Packet to Col. *Walton*, and to order the Attendance of *Banes* and *Jordan.* Read and Non-Concurred.

Edward Bromfield, Esq; brought down the following Vote of Council, *viz.* Ordered, That *Jonathan Dowse* Esq; with such as the Honourable House of Representatives shall appoint be a Committee to Survey the several Sloops imployed as Transports, and Report to the Board, Whether they be fit for the Service in this Winter Season, and what Stores may be further wanting for them.

Sent down for Concurrence.

Read and Concurred, and that *William Clark* and *Charles Chambers*, Esqrs; be added to them, and that they settle an Establishment of the Sloops and Wages.

Sent up for Concurrence.

Then the House adjourned till Monday next at 3 a-Clock Afternoon.

BOSTON: Printed by B. Green, and Samuel Kneeland. Printers to the Honourable House of Representatives. 1 7 2 2. [79]

VOTES

Of the House of Representatives.

Lunæ 14. die Januarii, 1722.

Post Meridiem.

In the House of Representatives.

January 14th 1 7 2 2.

R*Esolved*, That the Treasurer be and hereby is directed to issue forth and Emit the Sum of *Thirteen Thousand Pounds* in Bills of Credit on this Province, being the remaining part of the *Twenty Thousand Pounds* made by a Resolve of this Court in the *May* Sessions and lodged in the Treasury, to be disposed of for Payment of such Muster-Rolls as have or may pass this Session, more especially the Rolls belonging to the Eastern Forces. That the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, and shall be so taken and accepted in all Publick Payments; and that the Duties of Impost and Excise with the Interest of the Loan Money, shall be a Fund and Security for the Re-payment and Drawing the said Bills into the Treasury again, so far as that will reach.

And as a further Fund and Security for the same, It is further *Resolved*, That there be, and hereby is granted to His Most Excellent Majesty for the Ends and Uses aforesaid, and no other Ends and Uses whatsoever, A Tax of Thirteen Thousand Pounds, to be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Sessions in *May* 1724. and paid into the Treasury, at or before the Last Day of *December* next after. Sent up for Concurrence.

Samuel Partridge Esq; brought down the following Message of Council, *viz.* Ordered, That Col. *Partridge*, Col. *Winthrop*, and Mr. *Belcher*, with such as the Honourable House of Representatives shall appoint be a Committee to prepare a Draught of Instructions to those that shall be appointed Commissioners to treat with the Five Nations. Sent down for Concurrence.

Read and Concurred.

And that Mr. *Cooke*, Mr. *Remington*, Mr. *Wainwright*, and Mr. *Fullam* be joyned with them.

An Engrossed Bill Entituled, *An Act for further Encouragement and Regulation of Officers and Souldiers*. Read and Resolved that the same do pass to be Enacted.

Sent up for Concurrence.

A Report of the Committee for further Securing the Eastern Parts, was Read, accepted and sent up for Concurrence.

Edmund Quincey and *Samuel Thaxter* Esqrs; brought down the following Vote of Council, *viz.* Whereas the Paper called the *New-England Courant*, of this days date contains many passages in which the Holy Scriptures are perverted, and the Civil Government, Ministers and People of the Province highly reflected on. Ordered, That *William Tailer*, *Samuel Sewall*, and *Penn Townsend* Esqrs; with such as the Honourable House of Representatives shall joyn, be a Committee to consider and report what is proper for this Court to do thereon.

Sent down for Concurrence.

Read & Concurred, and that Mr. *Fullam*, Mr. *Remington*, Mr. *Stone*, & Mr. *Knowlton* be joyned with them.

Then the House adjourned till to Morrow Morning 9 a-Clock. [**80**]

Martis 15. die Januarii, 1722.

MR. *Cooke* from the Committee of Petitions, Reported: On the Muster-Roll of the Sloop Endeavour *Jacob Parker* Master, The Committee having examined the same, find it right cast and well vouched, That therefore the Sum of *l.* 141 12 *s.* be allowed and paid out of the Publick Treasury to *Jacob Parker*, to discharge the several Sums due on said Roll.

Read, accepted and sent up for Concurrence.

On the Muster Roll of the Sloop Virgin *Caleb Pratt* Master, The Committee having Examined the same, find it right cast and well vouched, That therefore the Sum of *l.* 111. 10 *s.* be allowed and paid out of the Publick Treasury to discharge the Wages and Sloop-hire as therein mentioned.

Read, accepted and sent up for Concurrence.

On the Memorial of *Josiah Willard* Secretary: The Committee having considered the same, are of Opinion, That the Sum of *l.* 140 be allowed and paid out of the Publick Treasury to *Josiah Willard* Esq; for his extraordinary Service the Year past. And that a further Sum of *l.* 40 be allowed and paid to him, for that the Affairs of the War call for sundry things to pass that Office, and necessarily require a more strict attendance from him to effect those Matters, many of which have no Fee or Allowance therefor.

Read, accepted, and sent up for Concurrence.

A Petition signed *Joseph Beane*, Pilot, praying some allowance for that Service, *&c.* Read and Committed.

An Engrossed Bill Entituled, *An Act for punishing Officers and Souldiers in His Majesty's Service, & Pay*, &c. Read and

Resolved, That the same do pass to be Enacted. Sent up by Mr. *Fullam*, who was directed to desire that this Act and the Act *for further Regulating the Officers*

and Souldiers, &c. might be speedily Printed, with what Resolves concerned the Army, and sent One to every Company, for their direction.

A Petition signed *Jos. Willard*, Corporal, under Col. *Buckminster*, praying, That the estople upon his Wages may be taken off for reasons therein given. Read, and it appearing to the House upon a hearing, That he was no ways accessory to the Enlisting of those Six Men, which were more than the Allowance to *Groton* and *Lancester* Scout, therefore Resolved, That the estople be taken off his Wages. Sent up for Concurrence.

A Petition signed *John Usher*, praying, That he may be enabled by a Private Act to give Security at the Clerks-Office for the County of *Middlesex*, before One of the Judges of the Court of Common Pleas, to prosecute his Appeal against Mr. *John Foy*, and that in the Mean time Execution may be stayed.

Read and sent up.

Mr. *Clark* from the Committee for fitting out the Ship Flying Horse: Reported, On the Accompt of *James Pitson* for Provisions to the Sailors, amounting to *l.* 47 10 *s.* The Committee having examined the same, are of Opinion, That the Sum of *l.* 7 10 *s.* be deducted, and the remaining *l.* 40 be paid him out of the Publick Treasury. *William Tailer per* Order of the Committee.

Read, accepted and sent up for Concurrence.

A Petition signed *David Melvil*, Prison-keeper, praying Allowance for his keeping of *Morris Fits-Garrard*, *John Blin* and *Israel Sewall*, Prisoners, who were Sentenced for more than they can discharge. Read and Committed.

A Bill for Repealing an Act Made in the Eighth Year of His Majesty's Reign, Entituled, *An Act for the more easy Levying of Souldiers, and for the better preventing disappointments through default in Levying of Souldiers.*

Passed in Council, and sent down for Concurrence. Read and

Ordered, That Mr. Speaker *Clark*, Mr. *Cooke*, Mr. *Wainwright*, Mr. *Quincey*, and Mr. *William Clark*, with such as the Honourable Board shall joyn be Committee in the Recess [81] of this Court to prepare a draught of a Bill, *for the more easy Raising of Souldiers by enlisting them as Volunteers:* and to lay the same before this Court at their next Sessions. Sent up for Concurrence.

A Petition signed *Samuel Dowse*, praying, That as he was appointed by His Excellency to be a Commissary, he may have the same Allowance as was granted to Mr. Commissary *Gooch*. Read, and Ordered to ly on the Table.

Post Meridiem.

An Engrossed Bill Entituled, *An Act in addition to a private Act to enable* Hugh Hall *to redeem the Estate of his Grand-father.* Read.

An Accompt signed *Edward Ellis*, amounting to *l.* 7 10 *s.* for Medicines and Attendance on *Thomas Bowler*, a Sailor, belonging to the Ship Flying-Horse.

Also,

An Accompt signed *Mary Jenkins*, amounting to *l.* 3 12 *s.* for Six Weeks lodging and dyet for the same *Thomas Bowler.* Both Read and Committed.

Then the House entred into the consideration of Addressing His Majesty, and choosing an Agent to represent them at the Court of Great Britain: which was debated and referred till to-morrow Morning.

WHEREAS a Committee appointed by this Court at their Sessions in May *last past, to consider a Memorial of the Overseers of* Harvard College, *referring to the Enlargement of the Foundation of that Society; did upon mature Consideration of the said Memorial and the College Charter of* 1650. *which is their present Constitution, Report the following Resolutions and Conclusions to be put in practice by the Corporation, as being in the Committee's Opinion more Beneficial to that Society, than an Enlargement of the Foundation:*

1*st.* That it was the Intent of the said College Charter, That the Tutors of the said College, or such as have the Instruction and Government of the Students there, shall be Fellows and Members of the Corporation of the said College; provided they exceed not Five in Number.

2. That none of the said Fellows be Overseers.

3. That the President and Fellows of said College, or the Major part of them, are not Warranted by the said Charter of the College, to fix or establish any Salary or Allowance, without the Consent and Approbation of the Overseers.

And whereas the Committee's Report was Accepted, and it is was Resolved by both Houses, that the Corporation for the future, practice accordingly. But the Governour's Consent thereto, being signified and declared with a Proviso which (as we humbly conceive) is not according to Usage and the said Resolve, thereby in some measure rendred ineffectual.

Wherefore in Order that the said Resolve (so necessary to the well-being of that Society) may obtain the Good and Beneficial Ends and Effects designed thereby:

Resolved, That the same be, and is hereby Revived and Declared to be the Rule for the future proceedings of the Corporation of *Harvard College.*

Sent up for Concurrence.

A Petition signed *John Usher*, brought down, passed on in Council, *viz.* Read and Ordered, That the Petitioner have leave to bring in a Bill to enable him to Prosecute an Appeal at the next Superiour Court to be held for the County of *Middlesex*, provided he give Security to Prosecute his Appeal within Seven Days before the Sitting of the said Court. Sent down for Concurrence.

Read and Concurred.

Ordered, That Mr *Hitchcock*, Mr. *Remington*, and Mr. *Dwight* go up to the Board, and desire they would go upon those Affairs that are of the greatest Moment, that the Court may finish the business before them.

Then the House adjourned till to Morrow Morning 9 a Clock. [82]

Mercurii 16. die Januarii, 1722.

RE*solved*, That the *l.* 25 17 *s.* 9 *d.* stopt out of the Wages due to Maj. *Moodey*, on his Muster-Roll, passed this Sessions, be paid to the several Persons following, *viz.*

	l.	*s.*	*d,*
To *Joshua Underwood,*	11	11	6
Young Harper Lithgo,	3		
Lieut. *Brentnal,*	7		
Jacob Collins,	1	11	
Lieut. *Hilton,*	1	13	3
Jonathan Kelton,		12	
Daniel Ingerson,		5	
Henry Newell,		5	
	25	17	9

Seut up for Concurrence.

An Accompt signed *James Brintnal*, amounting to *l.* 3 13 *s.* 9 *d.* for going express by Order of His Excellency the Governour. Read and Ordered, That the Sum of *l.* 3 be allowed and paid out of the Publick Treasury to Mr. *James Brintnal* in full of said Accompt.

Sent up for Concurrence.

According to the Order of the Day, the House proceeded to consider of an Address to His Majesty, *&c.* And the Question being put, *Whether this House Address seperately?*

It passed in the Negative.

Samuel Partridge Esq; brought down an Act *to prevent Trade and Commerce with the* French *Inhabiting among us.* Passed on in Council to be Engrost, and sent down for Concurrence. Read a first time.

Edward Bromfield Esq; brought down the Report of the Committee of both Houses on the *New-England* Courant of the 14th. Instant: The Committee are humbly of Opinion, That the tendency of the said Paper is to Mock Religion, and bring it into contempt. That the Holy Scriptures are therein Prophanely abused. That the Reverend and Faithful Ministers of the Gospel are injuriously reflected on: His Majesty's Government Affronted: The Peace and good Order of His Majesty's Subjects of this Province disturbed by the said Courant. And for prevention of the like Offences for the future, The Committee humbly propose, That *James Franklin* the Printer and Publisher thereof be strictly forbidden by this Court to Print or Publish the *New-England* Courant, or any other Pamphlet or Paper of the like Nature, except it be first Supervised by the Secretary of this Province. And the Justices of His Majesty's Sessions of the Peace for the County

of *Suffolk* at their next Adjournment be directed to take Sufficient Bond of the said *Franklin*, for his good Behaviour for Twelve Months time.

Per Order of the Committee, *Wm. Tailer.*

In Council, *January* 15th. 1722.

Read accepted and sent down for Concurrance. *Josiah Willard*, Secr.

Read and Concurred.

Resolved, That the Committee who made the last Bills of Credit on this Province be Desired and Directed to Print off and finish as soon as may be the Sum of *l.* 40,000: *l* 35 000 thereof from the Plate of the highest denomination: *l.* 4000 thereof from the Plate of the Middle denomination. And *l.* 1000 thereof from the Plate of the Lowest Denomination. And deliver them when finished to the Treasurer of this Province, taking his Receipt for them. The said Committee to be paid for their Service as for the Bills last Made: That *l.* 20,000 hereof be issued out by the Treasurer for the Service of this Province, according to the Resolve of this Court at their present Sessions: the remaining *l.* 20,000 to be kept in his hands till further Order: And that *William Payne*, Esq; be added to the Committee for Signing the Bills, in the Room of *John White*, Esq; Deceased.

Sent up for Concurrence. [83]

Post Meridiem.

Mr. *Cooke* from the Committee of Petitions, Reported:

On the Petition of *Isaac Gardner*, the Committee are of Opinion, That the Wages of the Souldiers at the Garrison of Fort *George* be raised to 30 *s. per* Month, and the Officers in Proportion, during the present War.

Read, accepted and sent up for Concurrence.

On the Accompt of *Edward Ellis*, for Medicines and Attendance of *Thomas Bowler*, The Committee having discoursed the Accomptant *Edward Ellis*, and considering his Vouchers, are of Opinion, That the Sum of *l.* 7 10 *s.* be allowed and paid out of the Publick Treasury to him in full of said Accompt.

Read, accepted and sent up for Concurrence.

On the Accompt of *Mary Jenkins*, for keeping said *Thomas Bowler*, The Committee are of Opinion, That the Sum of *l.* 3 12 *s.* be allowed and paid to her out of the Publick Treasury in full of her Accompt.

Read, accepted and sent up for Concurrence.

On the Petition of *Joseph Beane*, The Committee are of Opinion, That the said *Joseph Beane's* Wages be raised, and made equal to a Lieutenant's pay, for that when he was engaged in the Service, tho' there were few or no Marches, yet he attended and was ready to do his duty, and is now further to undertake the work of Pilot and Interpreter. Read, accepted and sent up for Concurrence.

On the Accompt signed *Habijah Savage*, for Billiting, *&c.* Soldiers, The Com-

mittee find the Accompt right cast and well Vouched, but the Last Article for Time and Trouble, *&c.* they thought it not advisable for them to act thereon; but leave the same to the consideration of the House: The House having considered the same:

Resolved, That the Sum of *l.* 12 15 *s.* 1 *d.* only be allowed and paid out of the Publick Treasury to *Habijah Savage*, Esq; in full discharge of said Accompt.

Sent up for Concurrence.

On the Petition of *David Melvill*, The Committee are of Opinion, That he be allowed and paid out of the Publick Treasury after the rate of 4 *s.* 8 *d. per* Week for the Two first Persons mentioned in the Petition (and after due Notice given to the Persons to whom they are Ordered to pay *l.* 633 and Cost;) upon refusing to pay the charge of their Imprisonment they be discharged, having suffered Corporal Punishment, their fine to His Majesty for the use of the Government notwithstanding. And that no allowance be made out of the Publick Treasury for *Israel Sewall.* Read, accepted and sent up for Concurrence.

A Bill to enable *John Usher* Esq; *&c.* Passed on in Council, and sent down for Concurrence. Read Three times, and Concurred.

A Petition signed *Simeon Stoddard*, praying a confirmation of 500 Acres of Land laid out and returned by *John Chandler* Esq; Read.

Samuel Partridge Esq; brought down the following Resolve, *viz. Whereas the Court of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of* Hampshire, *appointed by Law to be held at* Northampton *on the First* Tuesday *of* December *last, stands adjourned to* Tuesday *the Twenty-second Instant, and several of the Members of the said Court being likewise Members of this Court:*

Ordered, That the said Courts of General Sessions of the Peace and Inferiour Court of Common Pleas for the said County of *Hampshire*, be further adjourned to the First *Tuesday of February* next: Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence. Read and Concurred.

Then the House adjourned till to Morrow Morning 9 a-Clock. [84]

Jovis 17. die Januarii, 1722.

A Second Petition signed *Benjamin Smith* of *Taunton*, Hogreeve, praying, That he may have some further relief by being impowred to review his Action against Mr. *John Spurr* of *Taunton* at the next Inferiour Court at *Bristol:* And that Justice *Talbot* may be directed to proceed on some breaches of this Law brought before him, during the time that he was Hogreeve.

Read and dismist.

An Act *prohibiting Trade with the* French, *&c* Passed in Council to be Engrossed, and sent down for Concurrence. Read.

In the House of Representatives.

R*Esolved*, That the Treasurer be and hereby is Directed to Issue forth and Emit the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province, to be deliver'd to him by the Committee appointed to make the Sum of *Forty Thousand Pounds* by a Resolve of this Court this present Session: for the necessary Defence and Support of the Government, the Protection and Preservation of the Inhabitants thereof, to be used and disposed of as is hereby directed in manner following. *viz.*

That the Sum of *Twelve Thousand Five Hundred Pounds*, part of the aforesaid *Twenty Thousand Pounds*, be and hereby is appropriated to and for the Supplying and Supporting the Charge of *Castle-William*, and the other Forts and Garrisons within this Province, as also the Souldiers with the Officers Wages arising for their Service (provided the Muster-Rolls or any Accompt of Charge or Expence on the Castle, Forts and Garrisons shall not be paid until such Muster-Roll and Accompt of Charge or Expence hath been Examined and Allowed of by this Court (according to such Draughts as shall from time to time be made upon him by Warrant under the Hand of the Governour or Commander in Chief, with the Advice and Consent of the Council; And that the aforesaid Sum of *Twelve Thousand Five Hundred Pounds* be drawu out of the Treasury for the Ends and Uses above appropriated only.

That the Sum of *Seven Thousand Pounds* part of the aforesaid *Twenty Thousand Pounds*, be and hereby is Appropriated to and for Defraying the Charges of this Government already arisen, and for Payment of all Grants, Stipends, Salaries, Allowances, Bounties and Præmiums, made and to be made by this Court, the Draughts to be made upon the Treasurer for any part of the aforesaid Sum of *Seven Thousand Pounds* to be by Warrant as above-mentioned, and that the aforesaid Sum of *Seven Thousand Pounds* be drawn out of the Treasury for the Ends and Uses above Appropriated only.

And that the Sum of *Five Hundred Pounds* being the Residue and remaining part of the said Sum of *Twenty Thousand Pounds*, be and hereby is Appropriated for the Payment of Expresses Dispatched in the Service of this Government, together with all other necessary unforeseen Charges arising in the Recess of this Court that demands prompt Payment, provided always that the several Draughts made upon the Treasurer as aforesaid, do express and declare out of which Appropriated Sums the Money is to be paid.

And the said Bills shall pass out of the Treasury at the Value therein expressed, Equivalent to Money, and shall be so taken and accepted in all Publick Payments. And that the Duties of Impost and Excise shall be a Fund and Security for the Re-payment and Drawing in the said Bills into the Treasury again, so far as that wili reach.

And as a further Fund and Security for the same, It is further *Resolved*, That there be and hereby is Granted unto His Most Excellent Majesty for the Ends and Uses aforesaid, and no other Ends and Uses whatsoever, A Tax of *Five Thousand Pounds*, to be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules, and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of [85] this Province at their Session in *May*, One Thousand Seven Hundred and Twenty-five, and paid into the Treasury on or before the Last Day of *December* next after. And that the further Sum of *Fifteen Thousand Pounds*, being the remainder of the aforesaid *Twenty Thousand Pounds*, be Levied upon Polls and Estates both Real and Personal, within this Province, according to such Rules, and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May*, One Thousand Seven Hundred and Twenty-six, and paid into the Treasury on or before the Last Day of *December* next after.

And whereas through the Scarcity of Bills of Credit, it may then be difficult for Persons to Convert the produce of their Land into Bills, and pay their Rates in them: It is further Ordered, That the Inhabitants of this Province shall have Liberty (if they see fit) to pay the several Sums that shall be on them respectively Assessed in the several Species hereafter mentioned at such moderate Rates and Prices as the Great and General Assembly shall set them at, *viz.* In good Barrel Beef and Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Beeswax, Pease, Butter in Firkins, Cheese, Hides, Tanned Leather, Dry Fish, Mackrel in Barrels, Oyl, Whale bone, Bay-berry-Wax, Tallow, Pitch, Tar, and Turpentine, which Species shall be received by the Treasurer of the several Constables or Collectors, and by him disposed of to the best Advantage for the calling in of the said Bills into the Treasury again. And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident shall arise, that such Deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of Bills Emitted as aforesaid.

Sent up for Concurrence.

A Bill *to enable* Jonathan Blake, George Sumner, William Sumner, *and* Edward Sumner, *all of* Milton, *to have a new Tryal by a Jury, upou their former Presentment at the next Court of Assize to be held at* Boston, *on the First* Tuesday *of* May *next*, &c.

Passed on in Council to be Engrossed, and sent down for Concurrence.

Read three Times and Concurred.

Post Meridiem.

Ordered, That the Committee appointed on the 3d of *July* last to Audit the several Accompts of the Commissioners of the *l.* 100,000 loan, be revived, that in

the recess of this Court they may Examine the several Accompts of the Commissioners that have been laid before this Court; and that *William Payne* Esq; be added to the Committee.

In the House of Representatives.

Whereas Col. Joseph Buckminster *Commander of the* Lancaster, Groton *and* Turky-Hill *Scouts*, &c. *Enlisted Six Men more than he had Order for, viz.* Aaron Willard, Peter Josselen, Joshua Felps, Joseph Page, William Holding *and* Nathaniel Woods: *whose Wages with their Subsistance, amounting to* l. 23 17 s. 6 d. *per the Muster-Roll.*

Resolved, That the said Col. *Joseph Buckminster*, pay into the Treasury the said Sum of *l.* 23 17 *s.* 6 *d.* And upon his refusing to pay the same, That the Attorney General be directed to prosecute him for it.

Sent up for Concurrence.

Edward Bromfield Esq; brought down the Report of the Committee of both Houses for Instructions to the Commissioners that are to treat with the Five Nations. Passed on in Council, *viz.*

Read and Accepted, and sent down for Concurrence.

Read and Concurred with Amendments.

Sent up for Concurrence.

An Engrossed Bill Entituled, *An Act to Enable* Jonathan Blake, George Sumner, *&c. of* Milton. Read and Resolved that the same do pass to be Enacted.

Then the House adjourned till to Morrow Morning 9 a-Clock. [86]

Veneris 18. die Januarii, 1722.

AN Engrossed Bill Entituled, *A Private Act to Enable* John Usher *Esq; to Prosecute an Appeal*, &c. Read and Resolved that the same do pass to be Enacted.

Ordered, That the Treasurer be directed to send a suitable Person as an Assistant to him into the Eastern Parts, to take care of what Provisions and Stores are sent down to the Forces, and to deliver them to the several Captains.

Sent up for Concurrence.

Ordered, That Mr. *Remington*, and Mr. *Wainwright* go up to the Honourable Board and inquire, Whether they have passed upon all the Orders and Resolves of this House passed this Sessions; and further Inform them, That the House is desirous to rise this day.

Resolved, That the Sum of *l.* 250 be Allowed and Paid out of the Publick Treasury to His Honour WILLIAM DUMMER Esq; Lieutenant Governour and Commander in Chief, for his Support in Managing the Affairs of the Government.

Sent up for Concurrence.

Resolved, That the Sum of *l.* 30 be allowed and paid out of the Publick Treasury to *William Payne*, Esq; Clerk of this House, for his Service the Year Currant.

Sent up for Concurrence.

Resolved, That the Sum of *l.* 15 be allowed and paid out of the Publick Treasury to *William Payne*, Esq; Clerk, for his extraordinary Trouble in preparing the Votes for the Press. Sent up for Concurrence.

Resolved, That the Sum of *l.* 25 be allowed and paid out of the Publick Treasury to Mr. *John Flagg*, Door-keeper to the General Court, for his Service half a Year ending the 26th. *December* past. Sent up for Concurrence.

Thomas Fitch and *Jonathan Belcher* Esqrs; brought down the Resolve for the Supply of the Treasury, passed on in Council with Amendment, and sent down for Concurrence. Read and Concurred.

And a Message, That the Board were passing on the several things before them, and desired to know if the House had passed on those things that lay before them.

An Accompt signed *Joseph Marion*, amounting to *l.* 8 o 6 *d.* for Writings.

Read and Resolved, That the Sum of *l.* 8 o 6 *d.* be allowed and paid out of the Publick Treasury to Mr. *Joseph Marion* in full discharge of the above Accompt. Sent up for Concurrence.

A Memorial signed *Samuel Dowse*, praying some Allowance for performing the Duty of Commissary, as was allowed to Mr. *Gooch*. Read and dismist.

William Tailer and *Jonathan Belcher* Esqrs; brought down a Resolve for the Supply of the Treasury concurred at the Board with Amendment, and sent down for Concurrence. Read and Concurred.

A Bill *for prohibiting Trade and Commerce with the* French, *&c.* Passed on in Council to be Engrossed, and sent down for Concurrence.

Read a 2d time, and Non-concurred.

A Bill Entituled, *An Act in Addition to an Act Entituled, An Act for prohibiting Trade and Commerce with the Eastern* Indians, Made and Passed at a Sessions of the Great and General Court, *Anno* 1721. Read a 1st & 2d time.

Isaac Winslow Esq; brought down proposals of the Committee of both Houses for the Commissioners, to be sent to the Five Nations, passed in Council with Amendments, and sent down for Concurrence. Read and Concurred.

Post Meridiem.

A Bill Entituled, *An Act for prohibiting Trade and Commerce with the Eastern* Indians.

Read a 3d time, and Resolved that the same do pass to be Engrossed. [**87**]

Spencer Phipps Esq; brought down the following Vote of Council, *viz.* Ordered, That the Tract of Province Land Petitioned for by *Sherborn* and *Framingham*,

lately Surveyed by *John Chandler* Esq; Mr. *White*, and Mr. *Ward*, and a Plat thereof by them returned into this Court, be Sold to the highest bidder, after Publick Notice has been given some convenient time before the Sale: The Money to be received for said Land to be paid into the Publick Treasury. And that *Paul Dudley* Esq; with such as the Honourable House of Representatives shall appoint be a Committee to Sell the said Lands accordingly, and be impowred to give good and sufficient Deeds in the Law for the same.

Sent down for Concurrence.

Read and Concurred with, provided it be Sold on the First *Wednesday* of *April* next at the *Green-Dragon* in the Town of *Boston*, and that *John Quincey* Esq; and Mr. *Benj. Whitemore* be added to them. Sent up for Concurrence.

Thomas Fitch Esq; brought down a Petition of the East Society of *Taunton North-Purchase*, passed on in Council, *viz.* Read and Concurred with the Vote of *January* 4th. 1722. And that the East End of *Taunton North Purchase* be continued a seperate and distinct Precinct according to the said Line.

Sent down for Concurrence. Read and Concurred.

An Accompt signed *Benj. Bagnall*, amounting to *l.* 1 13 *s.* for looking after the Clocks in the Town-house. Read and Ordered, That the said Sum be allowed him out of the Publick Treasury in full of said Accompt.

Sent up for Concurrence.

Resolved, That the Sum of *l.* 3 be allowed and paid out of the Publick Treasury to the Honourable *John Clark* Esq; Speaker of the House of Representatives, for so much advanced by him by Order of this House for the Publick Service.

Sent up for Concurrence.

Ordered, That *Elisha Cooke* and *John Stoddard* Esqrs; with such as the Honourable Board shall joyn, be a Committee to treat with the Five Nations at *Albany*.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Clark*, Mr. *Remington*, Mr. *Wainwright*, and Mr. *Quincey*, go up to the Honourable Board, and inquire, Whether they have passed on the Vote of this House about the College.

A Petition signed *John Goddard*, praying, That an estople laid on his Wages in the Treasury, may be taken off. Read and dismist.

Jonathan Belcher Esq; brought down a Resolve for the disposition of the Forces Eastward, passed on in Council with Amendments, and sent down for Concurrence.

Read and Concurred with further Amendments, and sent up for Concurrence.

Addington Davenport Esq; brought down a Vote of this House for sending Commissioners to the Five Nations: Passed on in Council, *viz.* Read and Concurred, and that the Honourable *William Tailer* and *Spencer Phipps* Esqrs; be joyned in the Affair, (any three to act) the Resolve of this Court for three Commissioners only notwithstanding. Sent down for Concurrence.

Read and Concurred.

Resolved, That the Sum of *l.* 5 be allowed and paid out of the Publick Treasury to Mr. *Isaiah Tay*, to be delivered to the Reverend Mr. *Joseph Sewall*, with the Thanks of this House for his Service to them. Sent up for Concurrence.

Then the House adjourned till to Morrow Morning 9 a Clock. [**88**]

Sabbati 19. die Januarii, 1722.

MR. *Cooke* from the Committee of Petitions: On the Accompt of Mr. *John Gooch*, Commissary, made no Report for want of Vouchers, but afterwards the Vouchers being produced; they were Read, and Resolved, That the Sum of *l.* 14 16*s.* 4*s.* be allowed and paid out of the Publick Treasury to Mr. *John Gooch*, in full of his Accompt. Sent up for Concurrence.

Two Petitions signed *Samuel Willard*, *Joseph Buckminster*, praying, That the estople put upon their Wages in the Treasury may be taken off, for reasons therein. Read and dismist.

Ordered, That Mr. *White* go up to the Honourable Board and enquire, Whether they have passed on the Resolve of this House for pay to Mr. *Joshua Parker:* Who returned, That the Board had Non-concurred it.

An Accompt signed *Jos. Hiller*, amounting to *l* 2 12 *s.* for Writings done at this and the last Sessions. Read and Resolved, That the Sum of *l.* 2 12 *s.* be allowed and paid to him out of the Publick Treasury.

Sent up for Concurrence.

Penn Townsend Esq; brought down the Resolve for *Joshua Parker*'s pay Non-concurred in Council. Read and

Resolved, That the Sum of *l.* 15 be allowed and paid out of the Publick Treasury to Mr. *Joshua Parker*, to discharge his Accompt exhibited this Sessions for the Publick Service. Sent up for Concurrence. And

Resolved, That the said Sum of *l.* 15 be stopped out of the Wages due to Col. *Joseph Buckminster*, (if so much be due to him) in the Publick Treasury; for that the *l.* 15 paid to Mr. *Joshua Parker* was occasioned by him.

Sent up for Concurrence.

Edward Bomfield Esq; brought down the following Vote, *viz.* Ordered, That *John Cushman* Esq; be joyned with *Malatiah Bourn* Esq; and Mr. *Simeon Butler*, in calling the Executors of *Benj. Haws* Esq; late of *Martha's Vineyard* deceased, to Account, respecting the Claims made upon the Estate of the Sachem of *Chapaquiduck;* and that they or any Two of them make their Report to this Court at their Sessions in *May* next. Sent down for Concurrence.

Read and Concurred.

Ordered, That Mr. *Chandler*, Mr. *Little*, Mr. *Underwood*, and Mr. *Sanders* go up to His Honour the Lieutenant Governour, and the Honourable Board, and inform them, That the House desire to rise this Morning.

A Message by *John Wheelwright* Esq; *viz.* Whether this Honourable House have any thing before them not passed upon: Who was informed, That the House had passed upon every thing.

A Message by Mr. Secretary, That His Honour the Lieut. Governour directs this House forthwith to Attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly: And Mr. Secretary by His Honour's Command Prorogu'd the Court to *Wednesday* the Sixth Day of *March* next, at Ten of the Clock in the Forenoon.

ERRATA. Page 43. line 1. for *Casco*, read *Canso*.

BOSTON: Printed by B. Green, and Samuel Kneeland, Printers to the Honourable House of Representatives. 1722.

Index

Abenakis [Abnequois], 54, 68.
Abjuration, oaths of, 1.
Abomazine, *see* Bomazeen.
Abraham, Indian, 85, 103, 111, 117.
Acooshomet Village, 13.
Acts, expired and expiring, 10, 45, 47, 53, 69; approved by governor, 76.
Adams, Henry, member for Medfield, 1.
Affidavits, manner of taking, 96.
Agent, election, 60, 207; recommended, 176.
Ahousetonick River, *see* Housatonic River.
Albany, 55, 69, 74, 83, 134, 139, 140; Indians, 84, 85, 93, 104, 112.
Alden, John, account, 120, 143.
Alger, J., petition, 89.
Allen, 76, 78.
Allen, Ebenezer, chirurgeon, account, 1, 53, 65.
Allen, Ebenezer, member for Chilmark, 2.
Allen, George, *lieut.*, 200.
Allen, Jeremiah, treasurer, 67, 133; accounts, 6, 7, 10, 27, 103; loan accounts, 12, 67; Fort Mary, 28; election, 51; *Flying Horse*, 60; issue of bills of credit, 61; grant, 74; to purchase clothes, 97, 155; charges of war, 102, 103, 147; snow-shoes, 137; notice of contracts, 167; assistant, 213.
Allen, Joseph, 21.
Allowances, 73.
Almsbury, *see* Amesbury.
Amaskeeg Falls, 30, 31.
Ambrose, Henry, petition, 43.
Ambrose, William, petition, 19.
Amesbury, 160, 201; representative, 1; common lands, 50.
Amsdel, ——, *captain*, 93.
Amy, Philip, 18, 59.
Andover, 36; representative, 1.
Andrews, Nicholas, *captain*, 183; member for Marblehead, 1; petition, 186.
Andros, Nathaniel, of Marblehead, petition, 183.
Angier, Ephraim, petition, 128, 136, 152.
Angier, Samuel, *ret.*, 128.
Appleton, John, 12, 56, 93, 111, 113, 127, 138, 156, 190; councillor, 3; Indian damages, 35, 36, 55; fellow of corporation, 69; address to king, 70; accounts, 89, 120; treasurer's account, 113; committee on war, 144.
Armorer, Castle William, 131.
Arrowsick, 73, 127, 157, 170; attacked by Indians, 123.
Artillery election, 7.
Ashley, John, Housatonic lands, 57.
Attleborough, not excused on representative, 5; memorial of selectmen, 135.
Attorn-tenants, 162.
Attorney General, election, 47, 51.
Austin, Daniel, of Andover, petition, 36.
Austin, Ebenezer, 108, 138; member for Cambridge, 1; present to Indians, 77; committee to governor, 129.

Bacon, Israel, petition, 33.
Bacon, Joseph, account, 192.
Badcock, George, of Milton, petition, 29.
Badlam, Stephen, 33.
Bagnall, Benjamin, account, 215.
Baily, J., 196.
Baily, Orlando, petition, 50.
Baker, Isaac, petition, 35.
Baker, Stephen, petition, 63.
Baker, Thomas, *captain*, of Northfield, 168; petition, 75, 76; muster-roll, 161.
Baker, William, of Boston, 6, 14, 28.
Bane, *see* Bean.
Banister, Joseph, of Brookfield, petition, 42.
Bant, Matthias, *captain*, 19.
Bantfield, William, 19.
Barberie, John, 80.
Barker, Francis, *captain*, 18; muster-roll, 158, 178, 199.
Barker, Joshua, 178.
Barnard, John, 169.
Barnard, Samuel, *captain*, of Deerfield, muster-roll, 160, 176, 186, 188.
Barnes, Matthew, 77.
Barnes, Samuel, of Brookfield, petition, 42.
Barnsdale, William, gunner, 56; account, 67, 187.
Barnstable, 131; representative, 2; impost deputy, 57.
Barnstable county, treasurer's account, 7.
Barrat, James, of Charlestown, petition, 64.
Barrington, 16.
Bartlet, Elias, 172.
Basset, William, 12.
Bean [Bane], Joseph, 126, 194, 203; summoned, 132, 133; petition, 183; account, 193.
Beane, Joseph, *pilot*, petition, 205, 209.
Bear, John, 109.
Been, *see* Bean.
Begor, F., 179.
Belcher, Jeremiah, of Boston, petition, 30, 75, 104.
Belcher, Jonathan, 17, 27, 60, 86, 95, 148, 175, 202, 214, 215; councillor, 3; small money, 32; address to King, 70; Five Nations, 191; instructions, 204.
Bellingham, excused on representative, 5.
Berry, Thomas, account, 145.
Berwick, representative, 2; logs cut at, 22; scout, 56, 82; gunpowder for, 64.
Beverly, 12, 137, 140, 142, 145, 151; representative, 1.
Bicknell, Zachariah, of Barrington, petition, 16.
Biddeford, excused on representative, 5; maintenance of minister, 18, 69, 72, 130.
Biglo, Joshua, of Watertown, petition, 67.

Billerica, representative, 1; Osgood's dam, 8, 28, 118, 130, 137.
Billings, John, petition, 14, 16, 22, 32, 36.
Billingsgate, hamlet of, 33; support of minister, 35; petition, 112, 121.
Bills of credit, tearing for small change, 32; small, 47, 49, 63, 64, 66, 71, 145, 147; £12,000 issue, 61; exchange of form, 64; £20,000 issue, 67; burning of, 103, 133; £13,000 issue, 204; £40,000 issue, 209, 211, 214.
Biscuit, white, when forfeited, 186.
Blackstons River bridges, 131, 149.
Blake, John, of Wrentham, 127; account, 170; petition, 173.
Blake, Jonathan, 212, 213.
Blanchard, John, 109.
Blankets for Indians, 85, 198.
Blin, James, 155.
Blin, John, 64, 65, 66, 104, 143, 167, 184, 189, 206.
Blin, Margaret, petition, 51, 55.
Block-houses, chain of, 134.
Bobin, Isaac, 80.
Bomazeen, present, 33.
Bond, Jonas, of Watertown, 118; petition, 67.
Boone, Nicholas, account for printing, 35, 40, 44.
Borden, Richard, petition, 123, 125, 167.
Bordman, Thomas, of Ipswich, petition, 46.
Boston, 9, 135, 146, 150, 155, 159, 202; representatives, 1; public notaries, 51; treasurer, 186; Green Dragon, 215.
Boston Gazette, publishes list of councillors, 10.
Boston News-Letter, election of councillors, 11; advertisements, 12.
Bounty for wounds, 17; for volunteers, 171; repealed, 197, 199; for Indian scalps, 198.
Bourn, Malatiah, 216.
Bowditch, William, member for Salem, 128.
Bowler, Thomas, 206, 207, 209.
Bowman, Francis, 118, 136; member for Lexington, 1; petition, 128, 152.
Bowman, Ruth, 128, 136.
Boxford, 177; representative, 1.
Boyden, J., 196.
Bradbury, Jabez, *sergeant*, 200.
Bradford, representative, 1.
Bradshaw, John, member for Medford, 2.
Braintree, 109; representative, 1.
Bread, contract for, 167; assize, 186.
Brentnal, James, *lieut.*, 192, 208; memorial, 193; petition, 203; account, 208.
Brewer, Nathaniel, petition, 16, 32.
Bridges, James, member for Andover, 1.
Bridges, Nathanael, of Watertown, petition, 67.
Bridgewater, representative, 2; lands, 74; north precinct, 163.
Brimfield, 48, 161, 173, 175, 198.
Brinton, Ebenezer, public notary, 51.
Brisco, Robert, member for Beverly, 1.
Bristol, 155; representative, 2; public notary, 51; treasurer's account, 109.
Bristol County, 8, 42, 112, 123, 138; excise, 99.
Brittany, sloop, 30.
Bromfield, Edward, 43, 44, 63, 77, 78, 81, 84, 86, 89, 119, 127, 137, 152, 177, 203, 208, 213, 216; councillor, 3; minister for Tiverton, 39.
Brookes, Richard, 179.
Brookfield, 12, 48, 112, 150, 198; representative, 2; petition of selectmen, 42; non-resident proprietors, 53; force at, 82; survey of land, 144.
Brookline, representative, 1; return protested, 3.
Brown, Edmund, of Sudbury, petition, 45.
Brown, George, member for Billerica, 1.
Brown, Hopestill, 116, 182; member for Sudbury, 1.
Brown, J., 192.
Brown, John, 112.
Brown, Nathaniel, of Swanzey, answer, 16.
Brown, Samuel, 113, 151; councillor, 2; levying soldiers, 199.
Brunswick, Fort George, 88, 89, 183.
Bryant, D., 179.
Bryant, William, 115, 137; member for Reading, 1.
Buckminster, Joseph, *colonel*, 30, 31, 112, 162, 168, 206; member for Framingham, 1; account 33, 75, 85, 93, 94, 98; vote on Hassanamisco, 114; evidence, 149, 150; unworthy to sit as member, 150, 175; petition, 202, 216; order to pay, 213.
Buckminster, Joseph, *lieut.*, 159.
Buckminster, Thomas, *sergeant*, charges, 161; muster-roll, 196, 197; memorial, 202.
Bucknam, Joses, of Charlestown, petition, 64, 181.
Bucknam, Samuel, 94, 164; member for Malden, 1.
Burnape, Joseph, *captain*, 14.
Burnet, J., 178.
Burnet, William, 77, 80, 90; letter to, 114.
Burnum, David, 18, 179.
Burnum, Joseph [James], 87; petition, 12, 78, 112.
Burnum, Sarah, petition, 12, 112.
Butler, Peter, petition, 182, 189.
Butler, Simeon, of Chappaquidduck, 216; petition, 121, 125.
Butler, Thomas, account, 22.
Butterfield, Jonathan, *sergeant*, 201.
Byfield, Nathaniel, councillor, 3; negatived, 4; Dartmouth votes, 185.

Cambridge, 18, 22, 35, 143; representative, 1; repair of prison, 40; Indian hostages, 106.
Came, Samuel, 146; member for York, 2; Indian damages, 35; Eastern Indians, 41; snow-shoes, 137; war committee, 148, 168.
Campbell, John, cited to appear, 11; account, 12.
Canada, 75, 94, 104, 112; expedition, 36, 113, 123, 168; news from, 64.
Candles, exportation of, 127, 128.

Canso, 217.
Canvas, act to encourage manufacture, 42.
Capaquidduck, *see* Chappaquiddick.
Cape Porpoise, petition, 85.
Cape Sables, force at, 82; fishing vessels taken, 96.
Captives, Indian, 51, 55, 60, 72, 94, 104, 109.
Card, William, petition, 140.
Carlile, ——, *lieut.*, 158.
Carter, James, 194.
Casco Bay, 42, 101, 113, 157, 163, 179, 217.
Casks, contract for, 167.
Castle William, 67, 72, 211; victualler, 19; muster-roll, 24, 56, 187; medical attendance, 25, 75, 150, 175; garrison, 25, 59, 131; stores, 31; Indian hostages, 35, 38, 198; boat, 47, 71, 83, 107; support, 61; island, 64, 66; sergeant, 66; repairing, 75; Albany Indians, 85; pay of soldiers, 107, 187, 189; steward, 135; armorer, 187.
Cattle, regulation of, 44, 45.
Chadbourn, Humphrey, *captain*, member for Berwick, 2; account, 22; petition, 64.
Chambers, Charles, 2, 57, 64, 97, 99, 108, 128, 132, 190; member for Cambridge, 1; treasurer's accounts, 6, 103; defense of coast, 14; Castle William, 25; small money, 32; complaints against officers, 36; Castle boat, 47; present to Indians, 77; Gyles' muster-roll, 88; Angier's petition, 152; muster-rolls, 154; survey of sloops, 203.
Chandler, John, 3, 59, 76, 78, 95, 99, 103, 108, 115, 116, 120, 122, 130, 131, 142, 152, 160, 161, 166, 176, 196, 210, 215, 216; member for Woodstock, 1; petitions, 6; town meetings, 7; Menzies' petition, 23; land for Sherborn, 32; Indian damages, 35; eastern Indians, 41; Chiccopee River lands, 48; accounts, 65, 66, 85, 115; New York and Indians, 81, 122; Indian war, 82; Seknout's petition, 121; committee to governor, 129; excise vote, 132; Natick lands, 134, 137; block-houses, 134; council's war committee, 145; Blackstons River bridges, 149; muster-roll, 169; Shute's departure, 173; Brimfield petition, 173; Five Nations, 191; levying soldiers, 199.
Chandler, John, Jr., account, 64, 66.
Chandler, John, *major*, 169.
Chaplain, for eastern force, 88.
Chapman, Samuel, petition, 63.
Chappaquiddick, 121, 125, 216.
Charles, J., 183.
Charlestown, 119, 146, 181; representatives, 1; petition, 117.
Chausaco, 84.
Chebaquittuck Island, 125.
Checkley, Samuel, treasurer of Suffolk, account, 72.
Chelmsford, 120; representative, 1.
Chicopee River, 48.
Chilmark, representative, 2.
Chirurgeon, for eastern force, 88.
Christian, 84.
Church, Charles, of Freetown, 42.
Church, Constant, of Freetown, petition, 42, 63, 118, 119.
Clark, Jonathan, *captain*, 174.
Clarke, Daniel, member for Topsfield, 1.
Clarke, John, 176; member for Boston, 1; speaker, 1, 2; Castle William, 25; absent, 27; small money, 32; Harvard college, 37; present to Indians, 77; committee to governor, 192; absent, 130; raising volunteers, 206; allowance, 215.
Clarke, William, 2, 33, 73, 97, 102, 108, 142, 156, 157, 167, 171, 174, 183, 191, 206, 215; member for Boston, 1; councillor, 3; negatived, 4; petitions, 6; treasurer's accounts, 6, 7, 10, 103, 147; loan accounts, 12, 67; defence of coast, 14, 16; Castle boat, 71, 83, 107; Indian hostages, 72; account, 76; present to Indians, 77; New York and Indians, 81; Gyles' muster-roll, 88; thanks to Webb, 105; committee to governor, 129; evil practices, 143; Temple's account, 171; Shute's departure, 173; Pope's petition, 190; survey of sloops, 203; raising volunteers, 206.
Clauson, Lawrence, account, 150.
Clerk of House, election of William Payne, 2.
Cleveland, ——, of Concord, 150.
Clocks in Town House, 215.
Clois, Lawrence, 113.
Clothes, for troops, 97.
Coast, defence of, 14, 15.
Cobb, Samuel, of Falmouth and Gloucester, 146.
Cobbet, John, 14.
Cochborn, Frances, 135.
Coffin, Enoch, treasurer Dukes County, account, 87.
Cogswell, John, of Marblehead, 186.
Cogswell, Sarah, of Ipswich, 46, 69, 140, 151.
Cohoos, 85.
Colden, Cadwallader, 80.
Collectors, penalty for not serving, 127.
Collier, Richard, of Falmouth, summoned, 132.
Collings, Jacob, of Lynn, 146, 164, 208; account, 162.
Colman, Benjamin, *rev.*, minister for Tiverton, 39; fellow of corporation, 69.
Concamug, Thomas, 14.
Concord, 8, 21, 28, 37, 102, 103, 150; representative, 1.
Connecticut, 57; participation in Indian war, 90, 112; letters, 167, 186.
Connecticut River, 134.
Cooke, Elisha, 2, 33, 40, 44, 47, 49, 53, 56, 65, 69, 75, 103, 109, 115, 136, 142, 150, 153, 154, 168, 170, 173, 184, 187, 188, 202, 205, 209, 216; member for Boston, 1; petitions, 6; state of forces, 8, 28; expired acts, 10; Castle William, 25, 59; speaker *pro tem.* 27; Indian damages, 35; complaints against officers, 36; Harvard College, 37; eastern Indians, 41, 42; North Yarmouth, 50; Watertown, 68; Five Nations,

69, 191; present to Indians, 77, 78; rejected by governor, 78; New York and Indians, 81; Indian war, 82; Six Nations, 104, 122; speaker *pro tem.*, 130; evil practices, 143, 155; council's war committee, 145; war committee, 148, 189, 190; questions, 152; printing laws, 170; Shute's departure, 173, 175; letter to Sanderson, 176; report of war committee, 177, 180; Ipswich trustees, 188; Pope's petition, 190; instructions, 204; raising volunteers, 206; Five Nations, 215.
Coolidge, Isaac, of Sherborn, 115; petition, 36.
Coolidge, Richard, member for Watertown, 1.
Copp, Patience, petition, 202.
Cottle, Ezra, account, 38.
Cotton, John, petition, 23, 45, 46, 85.
Council, printing account, 38; objects to Hampshire County petition, 63; asks House to sit, 111; war committee, 144, 148.
Councillors, election, 2, 15, 41, 48, 51, 58; Boston Gazette on, 10, 11; Boston News-Letter, 11.
Cox, R., 192.
Cox-Hall, 6, 32.
Cranston, Samuel, letter, 15, 124.
Cuntacook, 30, 31.
Curwen, George, *rev.*, 46.
Cushing, James, member for Scituate, 2; Milton meeting-house, 30, 39.
Cushing, John, 2, 14, 19, 25, 32, 71, 76, 94, 125, 127, 139, 175, 188; councillor, 3; Billingsgate petition, 121; Middleborough precinct, 139.
Cushing, Nehemiah, member for Pembrook, 2.
Cushman, John, 216.
Cushnock, fort at, 102.

Daffey, John, 172.
Dahin, ——, of Concord, 150.
Daman, Joseph, 33.
Damaras Cove, 60.
Danforth, Thomas, 49.
Daniel, Soucason [*or* Samanson], petition, 5.
Darling, George, of Charlestown, 146; petition, 157.
Dartmouth, 37, 167, 190; representative, 2; Acushomet village, 13; tax rate, 127, 175, 185; in rebellion, 185.
Davenport, Addington, 23, 83, 94, 99, 113, 171, 173, 188, 198, 215; councillor, 3; Harvard College, 25; address to King, 77; present to Indians, 77; New York and Indians, 81; Pope's petition, 190.
Davis, Samuel, 161.
Davis, Simon, petition, 37.
Day, William, 172.
Debtors, oppression of, 152, 154, 155, 163, 168, 192.
Declaration, subscription to, 1.
Dedham, 84; representative, 1.
Deerfield, 11, 85, 94, 160; not excused on representative, 5; force at, 82, 108; Indian conference, 111.
Dennet, John, 167; member for Kittery, 2; state of forces, 8.
Denny, Daniel, 24.
Desertion, on fishing voyages, 46, 49; mutiny and, 88, 90, 92, 94; need of act, 102; commission, 105, 107; Indians, 130; pay, 155.
Dewitt, Indian, 117.
Dewitt, Hendrick, 179.
Dexter, Thomas, member for Rochester, 2
Dickinson, Henry, account, 12.
Dighton, representative, 2.
Dike, Rowland, account, 8, 18; petition, 19.
Districts, meetings of, 127, 128, 132.
Doan, John, petition, 33, 35.
Dorchester, 8, 32, 33, 74, 122; representative, 1; hearing, 36; line, 124.
Douglas, William, account, 179.
Dow, Jeremiah, 201.
Dowse, Jonathan, 1, 17, 20, 24, 25, 35, 38, 47, 58, 175, 177; councillor, 3; defence of coast, 14; Watertown meeting-house, 67, 70; Castle boat, 71, 83, 107; Dorchester line, 124; Angier petition, 152; survey of sloops, 203.
Dowse, Samuel, 192; commissary, 206, 214.
Dracut, 160, 202; representative, 2; scout, 82; petition for defence, 83, 85; precept to elect, 104; force at, 108.
Drake, T., 200.
Drake, W., 200.
Draper, James, 33.
Drate, *see* Drake.
Drink, soldiers in, 159.
Druce, ——, of Concord, 150.
Drury, John, 114.
Drury, Thomas, 134, 137.
Duck, act to encourage manufacture, 42.
Dudley, Joseph, 125.
Dudley, Paul, 1, 25, 74, 84, 113, 115, 127, 139, 145, 162, 186, 188, 215; councillor, 3; Harvard College, 25; address to King, 70, 77; memorials, 74, 134, 140, 143; present to Indians, 77; New York and Indians, 81; Seknout's petition, 121.
Dudley, William, 2, 51, 56, 57, 68, 115, 116, 128, 132, 144, 172, 174; member for Boston, 1; town meetings, 7; state of forces, 8; expired acts, 10; printing of votes, 12; Weymouth, 17; Menzies' petition, 23; Merrimack River Settlement, 30, 33; Hampshire petition, 31; complaints against officers, 36; North Yarmouth, 50; Watertown, 68; eastern settlements, 71; accounts, 81, 122; treasurer's accounts, 103; Six Nations, 104, 122; Seknout's petition, 121; message to Walton, 131; blockhouses, 134; evil practices, 144; Council's war committee, 145; war committee, 148; muster-rolls, 154, 165, 169, 171, 173, 176, 178, 183, 191, 193, 194, 196, 199, 200, 201; printing laws, 170; Shute's departure, 173; letter to Sanderson, 176; report of war committee, 177, 180; Ipswich trustees, 188; levying soldiers, 199.

Dukes County, treasurer's account, 87.
Dummer, Jeremiah, letters, 6, 59, 60, 102; North Yarmouth, 50; not discharged from service, 63.
Dummer, William, 67; memorials, 47, 131, 187, 189; councillor at large, 51; account, 64, 66; grant refused, 73; governor's absence, 172, 179; speech, 179; messages on war, 190, 199; House messages, 191; muster-rolls, 192; grant, 213.
Dunstable, 30, 134, 160, 202; not excused on representative, 5; Indians, 84; petition, 85; force at, 108, 198.
Durell, ——, *captain*, 96, 171, 173.
Duxbury, 151; representative, 2.
Dwight, Henry, 12, 29, 76, 92, 115, 155, 156, 162, 166; member for Hatfield, 2; Housatonic lands, 57; Gyles' muster-roll, 88; committee to governor, 129; Brimfield petition, 173; Five Nations, 191; matters of importance, 207.
Dye, John, of Little Compton, 20.
Dye, Remembrance, petition, 43.
Dye, William, 41, 43.
Dyer, John, *captain*, 92, 106, 110, 126, 130, 140, 156, 178, 182, 183; member for Plymouth, 2; treasurer's accounts, 10, 33, 103; account, 10; public notary, 51; commissioner to Indians, 73; Gyles' muster-roll, 88; Seknout's petition, 121, 125; Billingsgate petition, 121; war committee, 148; evil practices, 157; Temple's account, 171; report of war committee, 177; petitions, 183.
Dyer, William, of Winter Harbor, account, 40.

Eagle, W., 184.
Eames, Anthony, member for Marshfield, 2; monitor, 5.
Eastham, 33, 35, 121; representative, 2.
Eastman, Ebenezer, *sergeant*, muster-roll, 160, 201.
Eastman, R., 196.
Eastward, committee to, 105, 144; report, 143; journal, 148; defence, 205.
Edgartown, representative, 2; impost deputy, 57.
Election, artillery, 7.
Eliot, Benjamin, printing laws, 170, 182.
Elles, Nathaniel, petition, 138.
Ellis, Edward, account, 180, 206, 209.
Ellis, Joseph, member for Dedham, 1.
Emery, James, 18.
Endeavor, sloop, 205.
Enfield, not excused on representative, 5.
English, John, 178.
Ephraim, Andrew, of Natick, petition, 116.
Ephraim, John, of Natick, petition, 116.
Ephraim, Joseph, of Natick, petition, 36, 116.
Ephraim, Simon, 31.
Epps, Daniel, 119.
Essex county, 108; courts adjourned, 38; Indian war, 87; treasurer's account, 113; excise commissioner, 119, 132.
Estabrook, Daniel, of Sudbury, petition, 121.
Estates, *see* Polls.
Excise, return of tax, 38.
Exportation of candles, 127, 128.
Expresses, payment of, 62, 211; stopping of, 131.

Fainsworth's Garrison, 161.
Fairbanks, Jabez, 122, 196; member for Lancaster, 1; Indian war, 82; Indian guns, 85; account, 152, 154.
Falmouth, 132, 146; representative, 2; excused on representative, 5; meeting-house, 34; watches remiss, 160.
Farewell, Henry, 170.
Fast day, proclamation, 78.
Fay, David, petition, 103.
Fayerweather, Thomas, petition, 11.
Fences, regulation of, 44, 45.
Fenno, Benjamin, of Milton, petition, 29.
Ferguson, Samuel, 201.
Field, John, 184.
Fields, damages in common, 122, 123, 127, 128.
Fishery, encouragement of, 45, 49, 51; vessels taken by Indians, 96; Fort Mary and, 162.
Fitch, Thomas, 51, 60, 76, 90, 96, 99, 115, 123, 148, 214, 215; councillor, 2; Indian damages, 35; loan accounts, 67; New York and Indians, 81; defective powder, 86; Natick lands, 137; committee on war, 144.
Fitz-Garrard, Morris, 206.
Five Nations, peace with, 54, 55, 68, 74; present, 77, 84, 92; negotiations, 80, 83; committee on, 191; commissioners, 199, 201, 215; instructions, 204, 213, 214.
Flag, ——, 156.
Flagg, Benjamin, *sergeant*, muster-roll, 161.
Flagg, Eleazer, *colonel*, account, 98.
Flagg, John, 169; grant, 74, 214.
Flying Horse, ship, 58, 60, 65, 98, 206; portledge bill, 73.
Flynt, Henry, 25.
Fobes, Edward, member for Bridgewater, 2.
Fobes, Ephraim, arrested, 8; answers, 15; sent to jail, 17; petition, 18; released, 20; dismissed, 70; security, 74.
Foot, John, *captain*, member for Amesbury, 1.
Foot, John, *corporal*, muster-roll, 160, 201.
Forces, state of, 8, 102, 123; on frontiers, 82, 215; clothes and slops, 97; no inhabitant of frontier towns, 97; commission, 105, 143, 157; commander, 199.
Fort George, Brunswick, 88, 89, 183, 209.
Fort George, N.Y., council, 80.
Fort Mary, 8, 21; to be slighted, 28; muster-roll, 41; repairs, 93; continued, 162; well, 198; pay of soldiers, 198.
Fortune, Richard, 19.
Foster, Thomas, of Marshfield, summoned, 122; hearing, 133.
Fowler, William, 201.
Foxcroft, Francis, 26, 27.
Foy, John, 206.
Framingham, 32, 169, 186, 201, 214; representative, 1.

France, peace with Great Britain, 70; assisting Indians, 101.
Francis, Indian, 85.
Franklin, James, committee to jail, 23; acknowledgment, 31; liberty of prison yard, 35; to give security, 72; under censor, 208.
Freetown, 42; representative, 2.
French, trade with, 208, 210, 214.
Frontiers, 93; forces on, 82, 108, 112, 215; securing western, 92, 95, 98, 99; commission to, 107, 141, 145, 148, 157; eastern, 137, 155.
Frost, Charles, 16, 27, 87, 140; councillor, 3.
Frost, Richard, petition, 19.
Fullam, Francis, 69, 76, 78, 108, 110, 116, 118, 120, 126, 172, 186, 205; member for Weston, 1; petitions, 6; state of forces, 8; Merrimack River settlement, 30; Hampshire petition, 31; Watertown, 68; eastern settlements, 71; Indian hostages, 72; New York and Indians, 81; Indian war, 82; Sawin's petition, 131; excise vote, 132; block-houses, 134; Ipswich trustees, 188; Pope's petition, 190; Five Nations, 191; levying soldiers, 199; instructions, 204; New-England courant, 205.
Fuller, Edward, petition, 45.
Fuller, J., 192.

Gage, Thomas, member for Freetown, 2.
Gardiner, Jeremiah, member for Sherburn (Nantucket), 2.
Gardner, Andrew, *rev.*, 24.
Gardner, Isaac, petition, 183, 209.
Gardner, John, *captain*, 14.
Garrisons, remiss watches, 159.
Gathman, Francis, petition, 14.
Gendall, Walter, North Yarmouth, 50.
General Court, removal from Boston, 4, 5; attendance of representatives, 45, 47, 59; address to King, 70, 76, 77, 95, 96; prorogued, 78, 99, 217; allowance to members, 127, 131; adjourned, 166.
George II, 5, 83; address to, 70, 76, 77, 95, 96, 207, 208; Popish plot, 94.
George, sloop, 163, 184, 188.
George Town, 49, 77.
German, William, 178.
Gerrish, Samuel, account of, 136.
Gibbs, Benjamin, 180.
Gibbs, Henry, petition, 23, 45, 46, 85.
Gilbert, Thomas, of Brookfield, petition, 42.
Gilson, J., 196.
Gloucester, 146; representative, 1.
Glover, Nathaniel, petition, 16, 32.
Goddard, John, *lieutenant*, 18, 201; petition, 42, 47, 53, 215.
Goff, Edmund, *colonel*, 96, 200; muster-roll, 44, 53.
Goffe, Daniel, account, 171.
Gooch, James, 182.
Gooch, John, account, 198, 200, 206, 214, 216.
Goodwin, Thomas, of Reading, petition, 203.
Goodwin, Timothy, *lieut.*, of Reading, 178.
Gookin, Daniel, 66.
Gookin, Samuel, account, 23, 40.
Gookin, Samuel, Jr., account, 106, 143, 184; petition, 167.
Gore, John, of Roxbury, petition, 110.
Gorges, *Sir* Ferdinando, 50.
Gorham, Shubal, 64, 97, 128, 165; member for Barnstable, 2; Castle boat, 47; account, 129; petition, 131.
Grant, James, account, 22.
Graves, Joseph, 112, 137.
Graves, Richard, 112, 137.
Gray, John, *captain*, 21, 40; muster-roll, 41.
Gray, Joseph, *see* Graves.
Gray, Martha, petition, 103, 150.
Gray, Richard, *see* Graves.
Great Britain, acts of parliament, 4, 6; peace with France, 70.
Great River, 173.
Greely, Andrew, of Salisbury, petition, 43.
Green, Bartholomew, to print votes, 12; account, 38, 65, 133; small bills, 147.
Green, Jonathan, of Newton, petition, 22.
Green Dragon, 215.
Groton, 17, 52, 161, 206, 213; representative, 1; precept to elect, 104; muster-roll, 160, 196.
Grudey, A., 178.
Gunpowder, Berwick, 64; Leicester, 66; Wells, 87.
Gurney, Zechariah, 109.
Gyles, John, petition, 88; of soldiers, 94.

Habberfield, ——, 181.
Habersham, James, petition, 71.
Habersham, Susanna, petition, 71.
Hadley, 31; representative, 2.
Haggat, John, of Medford, 146.
Halberdiers, 19.
Hale, Joseph, *lieutenant*, member for Boxford, 1.
Hale, Nathan, account, 105.
Haley, Benjamin, 8, 28.
Half-pence, copper, 32.
Hall, H., 200.
Hall, Hugh, 180, 190, 196, 206.
Hall, Richard, account, 97.
Hallet, Jonathan, 131.
Halloway, Abraham, petition, 154.
Halloway, John, petition, 154.
Halloway, Nathaniel, 155; petition, 119, 149.
Halloway, Timothy, 154; petition, 119, 149.
Hamet, William, 183.
Hammond, Joseph, 112; councillor, 3.
Hampshire County, 31, 94, 108, 111, 144; treasurer's account, 7; objection to petition, 63; courts postponed, 181, 210; forces, 198.
Hancock, Jonathan, of Cambridge, 22.
Hanover Street, 180.
Harding, Stephen, account, 59, 66.
Harman, Johnson, *captain*, 36, 59, 123, 140, 202; stoppage of pay, 18; grant, 93, 146, 153; muster-roll, 158, 191, 201; wages stopped, 177; account, 198.

Harper, Moses, 94, 177, 203, 208.
Harris, Benjamin, 135.
Harris, Timothy, 59; member for Rowley, 1.
Harrison, Francis, 80.
Hart, George, of Ipswich, petition, 46.
Harvard College, enlargement of corporation, 25; memorial of overseers, 37, 58, 69, 116, 147, 196, 207, 215; smallpox and vacation, 39, 63; Shute's message, 71.
Harvey, John, of Norton, petition, 138.
Harvey, John, *lieut.*, 139; muster-roll, 159.
Harwich, representative, 2.
Hassanamisco, Indian lands, 58, 102, 103, 114, 134; committee, 149.
Hastings, Daniel, 18.
Hastings, Thomas, chirurgeon, 21, 29; account, 168.
Hatch, Estes, of Rutland, petition, 22, 25.
Hatfield, 31, 152; representative, 2.
Haverhill, representative, 1; scout, 82, 202.
Hawley, Joseph, account, 7.
Haws, Benjamin, heirs of, 125, 216.
Haws, Jacob, 90.
Hayes, John, petition, 10.
Haynes, David, of Sudbury, petition, 121.
Haynes, John, of Sudbury, petition, 121.
Hazen, Israel, of Boxford, petition, 177.
Heath, Joseph, *lieut.*, muster-roll, 36, 41, 191, 199; letters, 124.
Hedge, John, member for Yarmouth, 2; petition, 25; committee to governor, 129.
Hedges, nuisances of, 68, 132, 135.
Hendrick, Indian, 117.
Herriman, Abner, 202.
Hiller, Joseph, public notary, 159; account, 216.
Hilton, Jonathan, 94.
Hilton, William, *lieut.*, 113, 208; summoned, 132; journal, 156; muster-roll, 159, 191; denial of whaleboats, 164; petition, 168.
Hinckes, Samuel, *captain*, memorial, 93; muster-roll, 159, 169; account, 169; petition, 198.
Hingham, 109; representative, 1.
Hitchcock, Luke, 64, 78, 89, 123, 128, 150, 188, 189; member for Springfield, 2; petition, 48; Housatonic lands, 57; allowance, 84; matters of importance, 207.
Hitchcock, Nathaniel, of Brimfield, petition, 173.
Hogreeve, oath of, 154.
Holbrook, John, 148; member for Sherborn, 1; petition, 123.
Holding, William, 213.
Hollis, John [Thomas], letter, 10, 78.
Holman, Abraham, of Sudbury, 45.
Holt, Thomas, of Boston, 135.
Hooker, ——, 196.
Hopkins, H., 184.
Hopkinston, officers and tax, 151.
Houghton, John, memorial, 23.
Housatonic River, 31; lands on, 56.
House of Representatives, oaths and declaration, 1; returns, 1; speaker, 2; clerk, 2; orders, 5; monitors, 5; printing of votes, 10, 11, 35, 130; member expelled, 43; default of appearance, 45, 47, 59; wishes to rise, 69, 76, 78, 213, 216; members fined, 76; on declaration against Indians, 81; without business, 84, 93, 151, 162, 178, 217; asks Board to sit, 92; wishes one day, 99; message to governor, 129, 130; war committee, 135, 145, 148; order to committee, 137, 138, 139; recess powers, 146; privilege on witnesses, 165; Shute's departure, 172, 173, 175; declaration on, 176; protest on Walton and Moodey, 182; on war measures, 190; address of messages, 191; will not consider private affairs, 192.
Houses, Indian trading, 76.
How, Abraham, petition, 181.
How, Jonathan, petition, 103.
How, Joseph, petition, 181.
Howard, Daniel, arrested, 8; answers, 15; sent to jail, 17; petition, 18; released, 20; dismissed, 70; security, 74.
Howard, Edward, arrested, 8; answers, 15; sent to jail, 17; petition, 18; released, 20; dismissed, 70; security, 74.
Howard, Ephraim, 184; arrested, 8; answers, 15; sent to jail, 17; petition, 18; released, 20, 24; dismissed, 70; security, 74.
Hubbard, John, petition, 19.
Hubbard, Nathaniel, petition, 25; hearing, 31, 33.
Hubbard, Zachary, petition, 19.
Hull, excused on representative, 5.
Hunt, John, petition, 180, 190.
Hunt, Nehemiah, 37.
Hunt, Samuel, *rev.*, salary of, 13, 38.
Hunt, Samuel, deserter, 200.
Hunt, ——, *rev.*, of Dartmouth, 127.
Hutchinson, Edward, account, 64, 66; petition, 151.
Hutchinson, Thomas, 17, 51, 53, 77, 85, 103, 115, 144, 188, 189, 198, 203; councillor, 2; Harvard College, 25; small change, 32.

Impost, commissioner of, 47, 51; deputies, 57. *See* Shipping.
Impress, warrants for, 89.
Indian, J., 192.
Indian Brook, 33.
Indians, damage by Eastern, 35, 41, 42, 48; hostages, 35, 38, 40; exchange of, 72, 73; expense, 106, 198; captives, 51, 55, 60, 72, 94, 104, 109; expedition against, 53; Five Nations, peace, 54, 68, 74, 77, 81, 83; Housatonic lands, 57; Hassanamisco lands, 58, 102, 103, 114; Norridgewock, 60; commission to treat, 73, 76, 78; declaration against *facsimile*, 79, 81; committee on war, 82, 86, 87, 135, 140, 142, 144; taken up, 82, 84, 85; prosecution of, 87, 88, 90, 91, 93; take fishing vessels, 96; letter, 99; French influence, 101; attack Arrowsick, 123; winter ways and customs, 126; deserting 130; stranger, 151; prisoners, 155;

Penobscot River, 156; bounty for scalps, 198; trade with, 214.
Ingorton *or* Ingerson, Daniel, of Boston, 146, 164, 208.
Interpreter, allowance, 89.
Intestates, estates of, 136, 137, 140.
Ipswich, 14, 37, 42, 46, 69, 71, 87, 140, 145, 151, 170, 188, 189; representatives, 1; Merrimack River, 30; land unsuitable for township, 31.
Irish, on Merrimack River, 30.
Iroquois, 54, 68.
Isaac Seconto, 84.

Jackson, E., 200.
Jackson, Edward, of Newton, petition, 5, 19, 27, 34, 37.
Jackson, Jonathan, of Scituate, relief, 29.
Jackson, Joseph, 19, 25, 34.
Jaques, Stephen, Jr., public notary, 51.
Jeffries, John, 172.
Jenkes, William, of Providence, 136.
Jenkins, Mary, account, 207, 209.
Jennings, Joseph, member for Brookfield, 2; snow-shoes, 137; Brimfield petition, 173.
Jephon [Jepson?], ——, *captain*, 157.
Jewell, John, of Sudbury, petition, 45.
Johnson, Elisha, of Sutton, complaint against, 131, 149.
Johnson, Isaac, *captain*, 133.
Johnson, J., 196.
Johnson, John, of Woodstock, petition, 133.
Johnson, Richard, 105, 148, 154, 156, 191; member for Lynn, 1.
Johnson, Timothy, petition, 45.
Jones, R., 192.
Jordan, Dominicus, 94, 164, 187, 203; member for Falmouth, 2; state of forces, 8; petition, 34; Indian damages, 35; complaints against officers, 105; summoned, 132, 133; eastern frontiers, 137; war committee, 189.
Jordan, Samuel, 126, 147; account, 170, 189.
Jordan, W., 179.
Joslin, Charles, petition, 89, 126.
Josselyn, Peter, 213.
Judges, salaries, 66; grant, 74.
Juell, *see* Jewell.

Kautosuck, 84.
Keamons, J., 178.
Keen, I., 192.
Keen, John, petition, 154, 168.
Keen, Nathaniel, petition, 168.
Kellogg, Joseph, petition, 75, 76, 112; grant, 115.
Kellogg, Martin, petition, 168.
Kelton, Jonathan, 164, 208.
Kemp, Marmaduke, petition, 157.
Kennebeck River, 60, 123; Indians, 61, 124; justified, 70.
Kennebunk River, 6, 32, 59.
Key, Jacob, 194.
Keyes, Joseph, of Chelmsford, petition, 120.
Killey, Benjamin, of Shewamet, 112.
King, John, member for Taunton, 2.
Kittery, representative, 2; public notary, 51; scout, 56; impost deputy, 57.
Kneeland, Samuel, to print votes, 12; account, 133.
Knowlton, Nathaniel, 18, 59, 99, 112, 130, 154; member for Ipswich, 1; Indian hostages, 72; motion, 142; election sermon, 170; New-England Courant, 205.

Lamb, Jonathan, account, 136, 142.
Lancaster, 17, 21, 23, 52, 118, 149, 161; representative, 1; scout, 82, 206, 213; petition for defence, 83, 85; Indians, 84; hearing, 114, 116; muster-roll, 160, 196.
Lands lying in common, 20, 22, 29.
Langley, J., 196.
Larrabe, B., 179.
Larrabee, John, *sergeant*, petition, 66, 135, 143.
Lawrence, William, 196.
Laws, new impression of, 46, 48; printing, 170, 182; on officers and soldiers, 206.
Layer, S., 196.
Lebley, J., 179.
Lee, Henry, of Worcester, petition, 145.
Leech, J., 192.
Leicester, 115, 161; representative, 2; town privileges, 23; gunpowder, 66; petition, 85; defence, 87; muster-rolls, 165.
Lethgo, *see* Lithgo.
Leverett, John, 63; memorial, 95.
Lewis, Ebenezer, account, 7.
Lexington, representative, 1.
Lieutenant, second, 194.
Light-house, 10; dues, 38.
Linen, act to encourage manufacture, 42, 43, 46, 49.
Linsey, John, 12.
Lithgo, Robert, 94, 177, 203, 208.
Little, Lemuel, 191; member for Edgartown, 2; war committee, 189.
Little, Samuel, 41, 97, 192, 216; member for Bristol, 2; complaints against officers, 105; eastern frontiers, 137.
Little Compton, 20; representative, 2; letter of selectmen, 41.
Loan, £100,000 and £50,000, accounts, 13, 67, 212; order on, 162.
Logs cut at Berwick, 22.
London, 157.
Longfellow, Nathaniel, trial of, 43.
Loring, Thomas, *captain*, member for Hingham, 1; account, 59, 65.
Lothrop, Hope, account, 15.
Love, Richie, petition, 77, 104, 143.
Love, Robert, petition, 77, 104, 143.
Lovell, Enoch, *lieut.*, 109.
Low, Arthur, petition, 130, 132.
Lowd, Francis, 188.
Lynde, Benjamin, 60, 83, 132; councillor, 3; Harvard College, 25, 58.
Lynde, John, of Leicester, petition, 23.

Lynn, 12, 146, 162; representative, 1.

Mackoone, Daniel, of Cambridge, petition, 36, 53, 113, 143.
Maine, Province of, 49; councillors, 3; forces in, 82.
Malden, 119; representative, 1.
Manchester, Thomas, member for Tiverton, 103.
Manning, Jacob, 27.
Maquois, 84; present for, 68, 76.
Marble, John, of Sudbury, petition, 45.
Marble, Joseph, of Sudbury, petition, 45, 118.
Marblehead, 162, 183, 186; representative, 1.
Marcey, E., 200.
Marcum, Moses, 178.
Mariner, John, account, 30, 40.
Marion, Joseph, 68; account, 75, 214.
Marlborough, representative, 1.
Marshfield, representative, 2.
Martha's Vineyard, 121, 125, 216.
Martin, William, 194.
Massachusetts-Bay, councillors, 2; impression of laws, 46, 48, 170, 181; agent, 60; defence, 93.
Masts, for royal navy, 4.
Mattock, James, heirs of, petition, 19.
Mattock, Samuel, petition, 19.
Mayhew, Paine, account, 85.
Mayo, John, member for Harwich, 2.
Medfield, 197; representative, 1.
Medford, 119, 146, 181; representative, 2.
Medway, excused on representative, 5.
Melville, David, prison-keeper, petition, 206, 210.
Mendon, representative, 1; lines of, 136.
Menzies, John, 15, 106, 110, 122; member for Leicester, 2; petition, 23, 66; evil practices, 143, 157.
Merrimack River, 104, 134, 198; land on, 30, 33, 41, 63; warning settlements, 42; Indians, 111; obstructions, 132.
Merrymeeting, sloop, 155, 185.
Merry-Meeting-Bay, 93, 146.
Middleborough, representative, 2; precinct, 138, 139.
Middlesex County, 108, 109, 112; courts adjourned, 17; repair to jail, 40; treasurer's account, 83; forces, 198; clerk's office, 206.
Miller, Samuel, of Milton, petition, 29.
Mills, regulation of, 152, 163, 175.
Milton, 142, 212, 213; representative, 1; meeting-house, 29, 39.
Minery, Hugh, 94.
Ministry, support of, 138, 140, 144; furnishing, 185.
Minot, Stephen, of Rutland, petition, 22, 25.
Mistick River, 181.
Moccasins, 137.
Moheegs, Indians, 84.
Molasses, due to soldiers, 42, 53; contract for, 167.
Money, small, for change, 32, 47, 49, 63, 64, 66, 71, 145, 147.
Monitors of House, 5.
Montany, Robert, 193.
Moodey, Joshua, *lieut.*, 194; muster-roll, 158; affront to committee, 163.
Moodey, William, 76; member for Newbury, 1.
Moody, Samuel, *major*, 123, 158, 159, 162, 203; posting of forces, 44; House resolution, 94; to governor, 96; Council on, 95; Shute on, 95; to be dismissed, 99, 167, 188, 189, 191; hearing, 144, 156, 163; evidence, 145, 146, 177; slops account, 155, 183; muster-roll, 158, 194, 198, 203, 208; reprimanded, 164; protest of House, 182, 183, 186; wish to retire, 188, 192.
Morrill, Isaac, member for Salisbury, 1; petition, 91.
Moulton, Jeremiah, muster-roll, 159.
Mousum, 32.
Mulfey, John, 59, 65.
Murfy, John, *sergeant*, 53.
Musgrave, Philip, cited to appear, 10; admonished, 11.
Muster-roll, 211; Castle William, 24, 56, 131; Northfield, 29; Heath's, 36; prompt payment, 48; Goddard's, 53; Goff's, 53; examination, 61; Gyles, 88; committee on, 105, 107, 154, 155; Council on, 190, 192.
Mutiny and desertion, bill, 88, 90, 92, 94; need of act, 102.

Nantasket, 171, 173.
Nantucket, impost deputy, 57.
Nash, Joseph, *lieut.*, 109.
Nash, Thomas, 56.
Natick, 36, 116, 130, 134, 177.
Naval stores, act for encouraging, 4, 6.
Nawhanut, 84.
Ned, Francis, 193.
Ned, Joshua, 193.
Needham, excused on representative, 5.
Negros, impost remitted, 139, 140.
Negus, John, 180.
Nelson, John, petition, 44.
Nesnummon, John, of Natick, 177.
New England Courant, publication on pirate expedition, 23; reflection on government, 72, 76; perverts Holy Scripture, 205, 208.
New Hampshire, grant to Irish, 30; force for defence, 36; Indian war, 87, 153; letter, 167.
New Plymouth, councillors, 3.
New York, 54, 171; Five Nations, 55, 80, 81, 83, 92, 122; Indian war, 112, 113; Assembly's letter, 124; letters, 167, 186.
Newbury, 186, 202; representative, 1; public notary, 51; impost deputy, 57.
Newell, Henry, of Boston, 146, 164, 208.
Newport, Indian war, 112.
Newton, Christian, petition, 51, 55.
Newton, 5, 19, 22, 25, 34, 37, 118; representative, 1; minister's rate, 102, 126; petition of families, 148, 152.
Nipmuck country, 12.

Noble, Thomas, 187; member for Westfield, 2.
Norden, Nathaniel, 6, 33, 37, 45, 91, 94; councillor, 3.
Norridgewock, 60, 101; Indians at, 73.
North Yarmouth, 42, 49.
Northampton, 31, 210; representative, 2.
Northfield, 11, 20, 94, 134, 160, 168; muster-roll, 29; defence against Indians, 72, 198; force at, 82, 108, 180.
Norton, Benjamin, 15.
Norton, 138, 184; not excused on representative, 5.
Notaries, public, election, 47, 51.
Nova Scotia, 3.
Noyes, Cutting, 81.
Noyes, Thomas, *colonel*, 202.
Numack, Lazarus, 183.

Oaths, of abjuration, etc., 1; hogreeve, 154.
Officers, complaints against, 36, 105; corrupt managements, 97, 157; on scout, pay, 98; encouragement and regulation, 170, 191, 201, 204; punishing, 172, 175, 201, 205; preventing cheats and abuses in pay, 197.
Orders of House, 5.
Osgood, Christopher, of Billerica, 8, 28; petition, 118, 130, 137.
Osgood, D., 196.
Osgood, ——, 196.
Otis, John, *colonel*, 5, 8, 58, 99; councillor, 3; account, 15, 92, 98; address to King, 95.
Overin, John, attorney general, 51.
Oxford, 198.
Oyster Island, 5, 78.

Packets burnt on passage, 4.
Page, Joseph, 213.
Paine, John, 11.
Paine, Nathaniel, 96, 144, 145, 147, 183, 188; councillor, 51; account, 109, 155.
Palmer, Thomas, of Worcester, petition, 145.
Papillion, Peter, *captain*, 16, 64; allowance, 18; *Flying Horse*, 58, 73, 98.
Parishes, meetings of, 127, 128, 132.
Parker, Eleazer, 183.
Parker, Elisha, 131.
Parker, Jacob, 205.
Parker, Joshua, 175; account, 162, 168, 216.
Parker, Phineas, petition, 51.
Parsons, David, *rev.*, memorial, 87.
Parsons, Joseph, 12; petition, 31, 56, 69.
Partridge, Samuel, *colonel*, 109, 112, 113, 121, 126, 127, 145, 146, 151, 160, 161, 167, 170, 181, 189, 199, 204, 210; councillor, 3; account, 20, 168, 169, 180, 189; muster-roll, 29, 171, 183; Five Nations, 191; instructions, 204.
Partridge, William, of Medfield, petition, 197.
Pasher, Joshua, *see* Parker.
Passemaquada, 55.
Patch, John, 137.
Patch, Richard, of Beverly, petition, 135.
Patch, Sarah, of Beverly, petition, 135, 137, 140, 142, 145, 151.
Pateshal, Robert, 139.
Patten, William, account, 149.
Paugas, Abraham, 104, 111.
Paugas, William, 104, 111.
Pawyees, William, 85.
Payne, William, elected clerk, 2; sworn, 3; grant, 74, 214; signing bills of credit, 209; loan committee, 213; prepares "Votes" for the press, 214.
Peabody, Oliver, 177.
Peck, Jathniel, member for Rehoboth, 2; petition, 130, 132.
Pecker, Daniel, *lieut.*, 178, 203; petition, 176.
Peirce, Joseph, account, 65.
Pemberton, George, accounts, 25, 75, 150, 175.
Pembrook, representative, 2.
Penecook, Indians, 85.
Penhallow, John, *captain*, 159, 191; account, 198; muster-roll, 200.
Penobscot, Indians, 61, 133, 156; expedition, 120, 123, 125, 130, 132, 192.
Pepper, Isaac, member for Eastham, 2.
Pepperrill, William, public notary, 51.
Perkins, Martha, petition, 112.
Perkins, Matthew, Jr., of Ipswich, petition, 12, 87.
Perry, W., petition, 89.
Persons, care of disorderly, 44, 45, 47, 65.
Petitions, committee for, 6; postponed, 83.
Phelps, Joshua, 213.
Philip, King, 29.
Phillips, *governor*, 89.
Phipps, Samuel, *captain*, of Charlestown, 50.
Phipps, Spencer, 5, 15, 31, 76, 80, 98, 103, 117, 163, 201, 214; councillor, 3; Watertown meeting-house, 67, 70; present to Five Nations, 77; account, 85; Sawin's petition, 130; Natick lands, 137; Five Nations, 215.
Phipps, *Sir* William, 123.
Pierce, Daniel, member for Woburn, 1; Pope's petition, 190.
Pierce, Joshua, account, 49.
Pierpont, John, account, 64, 66.
Pike, Hugh, petition, 102.
Pilot, 194, 198.
Pine trees, act to preserve white, 4.
Pirates, evidence on, 14; on coast, 14, 15; expedition against, 15, 16, 18, 64; bounty for heads, 16; New England Courant, 23.
Piscataqua, 91.
Pitkin, William, 64, 84.
Pits, George, of Sudbury, petition, 112, 137, 140.
Pitson, James, account, 206.
Pittepu, John, Indian, petition, 134.
Plaisted, Elisha, petition, 83.
Plot, Popish, against King, 94.
Plymouth, representative, 2; councillor, 51; public notary, 51; impost deputy, 57.
Plymouth County, 8, 138; treasurer's account, 10, 33.

Plympton, not excused on representative, 5.
Polls and Estates, £6000 assessed, 38, 54, 62, 65.
Pomery, Ebenezer, *captain*, 171.
Pomery, Richard, 178.
Poole, Benjamin, *lieut.*, muster-roll, 159.
Poor, addition to act on, 10.
Pope, Ralph, petition, 16, 22, 32, 36.
Pope, Samuel, petition, 13, 37.
Pope, Seth, petition, 13, 37; memorial, 167, 185, 190.
Poplar Swamp Gutter, 21.
Popple, William, letter, 176.
Porter, Experience, member for Hadley, 2; snow-shoes, 137.
Porter, Robert, 12.
Porter, Samuel, Housatonic lands, 57.
Porter, ——, of Farmington, 169.
Powder house, 37; defective, 86. *See* Gunpowder.
Powell, John, North Yarmouth, 50.
Powell, Stephen, 160.
Powning, Daniel, account, 37.
Pratt, Caleb, 191, 205.
Pratt, William, claim, 19, 28.
Prebble, Abraham, account, 8.
Precincts, meetings of, 127, 128, 132.
Prescott, J., 196.
Prescott, Jonas, *captain*, 196.
Prison, keeper of, 206.
Prize, 15.
Proprietors, meetings regulated, 6, 7, 20, 22, 29.
Providence, R. I., 136.
Providence, 174.
Province House, disbursements on, 12, 185.
Pruhern, Joshua, 193.
Punkapoag, 127.

Quarantine, 10.
Quincy, Edmund, 9, 51, 84, 92, 94, 111, 113, 114, 138, 205; councillor, 3; Harvard College, 25; committee on war, 144; levying soldiers, 199.
Quincy, John, 103, 151, 187, 215; member for Quincy, 1; complaint, 8; Weymouth, 17; Harvard College, 37; Dorchester lands, 70, 74, 122; eastern settlements, 71; commissioner to Indians, 73; Indian war, 82; western frontiers, 107, 145, 147; Punkapoag lands, 128; muster-rolls, 154; raising volunteers, 206.

Rale, Sebastian, 101; order to seize, 54; letter, 102.
Rates, warrant for town, 50.
Read, John, 133, 140.
Reading, 12, 178, 203; representative, 1.
Real estate, title to, 189.
Recess, power of governor and council, 144, 145.
Regiment, chief officer, 94.
Rehoboth, 16; representative, 2.
Religion, act for propagating, 185.
Remington, Jonathan, 2, 3, 51, 57, 63, 76, 108, 115, 117, 120, 128, 138, 142, 143, 167, 172, 178, 182, 213, 215; member for Cambridge, 1; treasurer's accounts, 10, 27; printing of votes, 12; small money, 32; complaints against officers, 36; Watertown, 68; Indian hostages, 72; present to Indians, 77; Six Nations, 104; committee to governor, 129; message to Walton, 131; Natick lands, 134, 137; Angier petition, 152; muster-rolls, 154; report of war committee, 180; instructions, 204; New-England Courant, 205; matters of importance, 207.
Returns, examination of, 1, 3.
Rhode Island, pirates, 14; participation in Indian war, 90; letters, 186.
Rhodes, S., 192.
Rice, Jonas, of Worcester, petition, 145.
Richards, John, *major*, 181.
Richardson, ——, *captain*, 77.
Richardson, Thomas, 53.
Richmond, John, *captain*, 124; muster-roll, 159.
Richmond, Silvester, 187; member for Little Compton, 2; committee to governor, 129.
Richmond, 201.
Rochester, representative, 2.
Rocky Plain, Sudbury, 21; meeting-house, 121.
Rogers, Daniel, petition, 6, 32.
Rogers, Thomas, 94.
Rogers, William, member for Wenham, 1.
Rolfe, Benjamin, account, 75.
Rowley, representative, 1.
Roxbury, 110, 148; representative, 1.
Royal, Isaac, petition, 16, 22, 32, 36.
Royal, John, North Yarmouth, 50.
Rum, and sugar for crew, 60; contract for, 167.
Rumley, E., 179.
Rushbrook, Ovid, 104, 143, 167, 184, 189.
Russell, Daniel, commissioner of impost, 51; account, 83.
Rutland, 112, 115, 136; town privileges, 22, 25, 29, 30, 33, 35, 73; scout, 82, 197; defence, 87; muster-rolls, 165.

Sagadehock-Nova Scotia, councillors, 3.
St. Castine, Anselme de, 23, 40.
St. George's River, 82, 95.
Salaries, provision for, 61.
Salem, 38, 41; representative, 1, 128; East Parish, 27; public notary, 51.
Salisbury, 43; representative, 1.
Sanders, Thomas, account, 155, 202.
Sanders, *see* Saunders, 216.
Sanderson, Anthony, 176.
Sandwich, 6, 15; representative, 2.
Sanford, Thomas, member for Mendon, 1; Milton meeting-house, 30.
Saunders, John, 123, 188, 216; member for Haverhill, 1.
Savage, Habijah, account, 192, 209.
Sawin, Thomas, petition, 130.
Sawyer, ——, 158.
Scalps, bounty for Indian, 198.
Scamond, Humfry's petition, 130.
Scarborough, excused on representative, 5.

Scatacook, Indians, 111.
Schools and schoolmasters, settlement and support, 45, 58.
Schuyler, John, of Albany, petition, 104, 109, 113.
Scituate, 29, representatives, 2.
Scott, Joseph, of Attleborough, 135.
Scouts, journals of, 98.
Sea Horse, 96, 171, 172, 173.
Searles, Elisha, captive, 94.
Seavey, E., 179.
Seconto, Isaac, 84.
Seknout, Jacob, petition, 90, 121, 125, 127, 128.
Sermon, election, 105, 136, 170.
Servants, wages of impressed, 49.
Settlements, Eastern, state of, 71.
Sewall, Israel, 206, 210.
Sewall, Joseph, *rev.*, minister for Tiverton, 39; grant, 216.
Sewall, Samuel, 10, 23, 58, 63, 66, 92, 94, 110, 118, 123, 125, 150, 167, 171, 173; councillor, 2; Watertown, 70; Seknout's petition, 121; Punkapoag lands, 127; Pope's petition, 190; New-England Courant, 205.
Sewall, Stephen, public notary, 51.
Sewers, commissioners of, 16, 20, 27, 45, 50, 53; power of, 130, 152, 163, 175.
Shepley, John, *captain*, 30, 31, 33; member for Groton, 1; in service, 104; slops account, 155; muster-roll, 159, 193.
Shepley, J., 196.
Sherborn, 32, 36, 186, 201, 214; representative, 1.
Sherburn of Nantucket, representative, 2.
Shewamet, 89, 90, 112, 127; annexed to Swanzey, 126, 150, 153.
Shew-Brook, 31.
Shipping, impost and tonnage duties, 22, 24, 37, 38, 44; interpretation, 57.
Short, Matthew, *rev.*, grant to, 72; at Biddeford, 130.
Shrewsbury, 161; excused on representative, 5; scout, 197.
Shute, Samuel, governor, negatives councillors, 4; speeches, 4, 79, 101; on Harvard corporation, 69, 71, 116; grant, 73; acts and resolves, 76; objects to Cooke, 78; prorogues court, 78, 99; declaration against Indians, 79, 81; asks for greater freedom, 79; case of Major Moodey, 95; refuses proposals, 115, 128; reply to House, 123; will take no notice, 126; will not be spoken to, 129; on Walton, 132; order to committee, 137, 138, 139; summoning officers, 156; order to officers, 158; adjourns court, 167; embarks for London, 171, 172, 173, 179.
Six Nations, delegation, 101, 149; meeting, 103; committee, 104, 108, 110, 111, 112, 113; dismissal of delegates, 115, 116; speech to delegates, 115; expenses, 120; New York, 122.
Skinner, T., 200.
Sloop, hiring of, 55, 65; survey of, 203.
Slops, for forces, 97.
Smallpox, Spectacle Island, 4, 8, 9; Harvard College and, 39; power of justices, 59; petition of inoculated, 66.
Smith, Benjamin, of Taunton, petition, 154, 210.
Smith, Daniel, of Swanzey, answer, 16
Smith, Elizabeth, petition, 104, 143.
Smith, John, of North Yarmouth, petition, 42, 49; North Yarmouth, 50.
Smith, Thomas, of Ipswich, petition, 6, 14, 17, 28, 30, 31, 33, 37.
Smith, Thomas, of Rutland, petition, 22, 25.
Snow-shoes, 137.
Soldiers, medical service, 13; levying and regulating, 40, 42, 199, 206; complaint on wages, 48; provision for wages, 61; petition of Gyles', 94; misspending wages, 120; subsistance, 165; encouragement and regulation, 170, 187, 191, 201, 204; punishing, 172, 175, 201, 205; preventing cheats and abuses in pay, 197; bounty to volunteers repealed, 197, 199.
Sons, wages of impressed, 49.
South, Joshua, of Duxbury, 151.
Southgate, James, of Leicester, petition, 23.
South Town, 17, 23, 27, 116, 117, 118.
Southworth, Ichabod, member for Middleborough, 2.
Sparr, *see* Spurr.
Speaker of the House, *pro tem.*, 27, 130. *See* John Clarke.
Spectacle Island, smallpox patients, 4, 8.
Springfield, 150; representative, 2.
Spurr, John, of Taunton, 210.
Spurr, Robert, *colonel*, 106, 108, 115; member for Dorchester, 1; state of forces, 8; complaint, 8; Dorchester lands, 70, 74, 122; evil practices, 157.
Squamaug, Hezekiah, of Punkapoag, petition, 127.
Stamper, ——, *captain*, 183.
Stearns, John, 136.
Stevens, Samuel, member for Gloucester, 1; war committee, 189.
Stoddard, John, 2, 29, 76, 92; member for Northampton, 2; petitions, 6, 183; state of forces, 8; expired acts, 10; treasurer's accounts, 10; Menzies' petition, 23; Merrimack River settlement, 30; Indian damages, 35; Harvard College, 37; eastern Indians, 41; Chiccopee River lands, 48; Housatonic lands, 57; Five Nations, 69, 78; eastern settlements, 71; memorials, 74, 134, 140, 143; New York and Indians, 81; Indian war, 82; eastern Indians, 101; Six Nations, 104, 122; common fields, 122, 123; message to Walton, 131; excise vote, 132; blockhouses, 134; account, 142; evil practices, 143; war committee, 148; petition, 151; bounty, 170; Five Nations, 215.
Stoddard, Simeon, petition, 210.
Stone, Ebenezer, 108, 128, 152; member for Newton, 1; Weymouth, 17; Milton meeting-house, 30; petition, 102; Punkapoag lands, 128; Sawin's petition, 131; evil practices, 143; New England Courant, 205.

Stores, for eastern force, 88.
Stow, 21, 45, 102, 103, 118; not excused on representative, 5.
Stratton, John, 163, 184.
Strong, Waitstill, petition, 31.
Sturgeon, Robert, 68, 109; defence inadequate, 110.
Sturges, S., 6.
Subsistence, foot-soldier or trooper, 165.
Sudbury, 8, 45, 102, 103, 118, 137; representative, 1; meeting-house, 10, 21; dam, 28; west precinct, 121.
Suffield, not excused on representative, 5.
Suffolk County, 110; order to sheriff, 17; altering time of courts, 103, 104, 107, 122, 127.
Sumner, Edward, of Milton, 212.
Sumner, George, of Milton, 212, 213.
Sumner, William, of Milton, 212.
Suncook, 30, 31.
Sunderland, 160; excused on representative, 5; force at, 82.
Sutton, 131, 181; excused on representative, 5.
Swain, Benjamin, petition, 12, 25.
Swain, Joshua, 12.
Swanzey, 16, 89; representative, 2; impost deputy, 57; Shewamet annexed, 126, 150, 153.
Swift, Samuel, of Milton, petition, 29; land for meeting-house, 39.
Swine, regulation of, 45, 59, 154.
Symonds, William, 133, 140.
Symonds, ——, grant to, 6.

Tailer, William, 10, 22, 60, 74, 80, 94, 115, 125, 167, 186, 198, 206, 209, 214; councillor, 2; defence of coast, 14; Sudbury meeting-house, 21; North Yarmouth, 50; Five Nations, 69, 77; defective powder, 86; account, 98; eastern Indians, 101; committee on war, 144; on Sanderson, 176; Pope's petition, 190; New-England Courant, 205; Five Nations, 215.
Talbot, Jared, *captain*, member for Dighton, 2; petition, 119, 149.
Talbot, ——, justice, 210.
Tarbox, Nathaniel, 33.
Taunton, 154, 184, 210; representative, 2.
Taunton-North-Purchase, 83, 105, 151, 184, 215.
Tax, £1000, 32; in produce, 63, 212; £13,000, 204; £20,000, 212.
Tay, Isaiah, 3, 57, 91, 92, 99, 115, 132, 137, 174, 216; member for Boston, 1; small money, 32; present to Indians, 77; thanks to Webb, 105; Punkapoag lands, 128; committee to governor, 129.
Taylor, J., 192.
Taylor, James, 105.
Temple, Robert, *captain*, 139; slops account, 155, 171; muster-roll, 158, 172.
Thacher, Peter, 6.
Thaxter, Samuel, 8, 10, 46, 64, 65, 66, 76, 111, 179, 205; councillor, 3; complaint, 8, 15; Dorchester lands, 70, 74, 122; memorials, 74, 134, 140, 143; address to King, 95; Punkapoag lands, 127; Mendon lines, 136; Middleborough precinct, 139; Five Nations, 191.
Thayer, William, of Taunton, petition, 83.
Thomas, John, member for Swanzey, 2; on Shewamet petition, 126.
Thomas, Solomon, petition, 177.
Thomas, William, 94.
Thompson, Jacob, *captain*, 139.
Thomson, Thomas, 18.
Throop, William, *captain*, sue for excise, 99.
Tillymirick, Tyins, of Brookfield, account, 150.
Tilton, Daniel, of Ipswich, petition, 145.
Tilton, Jacob, of Ipswich, petition, 145.
Tisbury, excused on representative, 5.
Tisdale, John, clerk, 159.
Tiverton, representative, 2, 103; minister for, 39, 43; precept to elect, 89, 103; tax, 123, 125, 167.
Tobies, Joshua, 49.
Toly, Joshua, 172.
Tom, C., 193.
Tomigus, 84.
Toole, Bryan, muster-roll, 173.
Topsfield, representative, 1.
Topsham, 164.
Town House, clocks in, 215.
Towns, excuses for not sending representatives, 5; meetings regulated, 6, 7, 20, 22, 105; charges for poor, 10; admission of inhabitants, 20, 23, 30, 46, 53, 56; taxing, 32; defence of frontier, 36, 92, 95; disorderly persons, 44, 45, 47, 65; copy of acts, 46; warrant for rates, 50.
Townsend, Penn, 1, 23, 35, 46, 82, 92, 112, 113, 120, 125, 133, 139, 144, 161, 171, 173, 216; councillor, 2; small money, 32, 48; address to King, 77, 95; present to Indians, 77; New-England Courant, 205.
Toyawaw, 84.
Trade, with the French, 208, 210, 214.
Tray, Benjamin, petition, 177.
Tray, J., 183.
Treasurer, *see* Jeremiah Allen, election, 47.
Treasury, supply of, *see* Bills of credit.
Trespasses, act to prevent, 38, 43, 47.
Trooper, subsistence, 165, 174.
Truro, 33; not excused on representative, 5.
Tucker, Daniel, of Milton, petition, 142.
Tucker, Ephraim, member for Milton, 1; monitor, 5.
Tucker, Henry, petition, 127.
Tucker, Joseph, petition, 127.
Tupper, Eldad, petition, 6.
Tupper, Israel, member for Sandwich, 2; account, 107; Billingsgate petition, 121.
Turkey Hill, 213; muster-roll, 160, 196.
Turner, John, 33, 118, 119; councillor, 3.
Turner, ——, *colonel*, commissioner to Indians, 73.
Tuthill, Zachary, *captain*, claim, 19.
Two Brothers, 120.
Tyley, Samuel, public notary, 51; account, 75, 151, 153.

Tyng, Eleazer, *colonel*, account, 87, 151, 170; muster-roll, 160, 201, 203.

Underwood, Joseph, 216; member for Chelmsford, 1.
Underwood, Joshua, 203, 208; account, 177.
Usher, John, petition, 51, 76, 206, 207, 210, 213.

Van Dam, Rip, 80.
Varnum, Joseph, *major*, member for Dracut, 2; in service, 105; muster-roll, 160.
Varnum, Joseph, *sergeant*, 201.
Vassal, Leonard, petition, 139, 140.
Vaudreuil, Philippe de Rigault, *marquis de*, justifies Indians, 70, 77; letters, 101.
Vinning, John, petition, 7, 17.
Virgin, muster-roll, 191, 205.
Voice, Henry, of Milton, petition, 29.
Volunteers, bounty, 171; raising, 206.
Votes of House, printing, 10, 11, 35, 133; resolves and, 99; omission from, 130; prepared for the press, 214.

Waban, Thomas, petition, 117.
Wadden, John, of Salem, petition, 41.
Wadsworth, Benjamin, *rev.*, minister for Tiverton, 39; fellow of corporation, 69.
Wadsworth, John, of Milton, petition, 29.
Wadsworth John, member for Duxbury, 2.
Wadsworth, Joseph, *captain*, account, 64, 66.
Wages of soldiers, 8; impressed sons and servants, 49; pay agent, 197; sloops, 203.
Wainwright, John, 2, 15, 51, 64, 69, 76, 138, 139, 140, 144, 157, 179, 187, 213, 215; member for Ipswich, 1; town meetings, 7; treasurer's accounts, 10, 103; printing of votes, 12; defence of coast, 14; Merrimack River settlement, 30; petitions, 31, 46, 69; Hampshire petition, 13; complaints against officers, 36, 105; Harvard College, 37; muster-roll, 44, 45, 47, 154; Indian hostages, 72; Indian war, 82; eastern frontiers, 137; evil practices, 144; war committees, 168, 189; election sermon, 170; Shute's departure, 173; letter to Sanderson, 176; report of war committee, 177, 180; instructions, 204; raising volunteers. 206.
Walker, Eleazer, petition, 154.
Walters, Robert, *captain*, 80.
Walton, Shadrach, *colonel*, 123, 158, 159, 193, 203; letter, 124; summoned, 126, 128, 130, 131; orders to, 132; Shute on, 132; hearing, 154, 156, 165; account, 156; muster-roll, 159, 192; journal, 167, 170, 188; commission, 174; protest of House, 182, 183, 186; to be dismissed, 188, 189, 191, 194; wish to retire, 188, 192; order to return, 199.
War, committee on, 82, 85, 86, 87, 88, 91, 92; apportionment of cost, 90; charges of, 102; state of, 120; papers, 123; recess committee, 135, 140, 142, 144; committee, 144, 147, 148; reports, 151, 152, 153, 155, 157, 161, 162, 175, 176, 179, 180; rules and orders, 161, necessary measures, 189, 190; House votes; 190.
Ward, Edmund, *captain*, 203; muster-roll, 158, 178.
Ward, Nahum, *sergeant*, muster-roll, 197.
Ward, Samuel, 109.
Ward, William, *captain*, 31, 93, 122, 215; member for Marlborough, 1; Merrimack River settlement, 30; Hampshire petition, 31; land for Sherburn, 32; eastern Indians, 41; Chiccopee River lands, 48; petition, 126; Natick lands, 134; block-houses, 134; Blackstons River bridges, 149.
Ward, William, of Newton, petition, 102, 118.
Ward, William, *sergeant*, 169.
Warman, S., 183.
Warrant for town rates, 50; for impress, 89.
Watches, remissness of garrison, 159, 164.
Watertown, representative, 1; meeting-house, 67, 70, 109; debt to Angier, 129, 136.
Waymanaw, 84.
Webb, John, *rev.*, election sermon, 105, 136.
Weirs, nuisances of, 68.
Wells, not excused on representative, 5; scout, 56, 82; powder, 87.
Wenham, representative, 1.
Westborough, 161; excused on representative, 5; scout, 197.
Westbrook, Thomas, *captain*, 82, 95, 99, 168; hire of sloop, 124; petition, 154, 168.
Westfield, representative, 2.
Weston, representative, 1.
Weymouth, 7; representative, 1; objections to Vinning's petition, 17; support of ministers, 81; precinct, 109; meeting-house, 109.
Whaleboats, 107, 123, 164, 168, 192; provision for, 55, 58.
Wheat, contract for, 167.
Wheelwright, John, *colonel*, 80, 88, 94, 95, 99, 111, 122, 127, 153, 180, 183, 188, 189, 191, 203, 217; councillor, 3; scout, 56; memorial, 87; account, 140, 170; muster-roll, 173, 183.
Whipple, Cyprian, petition, 7, 133, 140, 142.
Whipple, Dorothy, petition, 7.
Whitaker, David, of Concord, petition, 37.
White, Edward, 97, 108, 126, 215, 216; member for Brookline, 1; land for Sherburn, 32; western frontiers, 107, 145, 147; report of war committee, 177.
White, John, 184; death of, 209.
White, Joseph, *captain*, member for Weymouth, 1; Castle boat, 47.
White, Philip, of Newton, petition, 102.
White, William, muster-roll, 183.
Whiting, Jeremiah, 33.
Whiting, Jonathan, of Groton, petition, 17, 23.
Whitney, Isaac, of Concord, 150.
Whittemore, Benjamin, 123, 215; member for Concord, 1; monitor, 5; Blackstons River bridges, 149.
Wilder, James, memorial, 23.
Wilder, Joseph, memorial, 23.

Willard, Aaron, 213.
Willard, Benjamin, petition, 58.
Willard, Josiah, Secretary, 1, 3, 6, 8, 9, 15, 17, 20, 25, 31, 32, 35, 37, 61, 69, 70, 71, 76, 86, 90, 92, 93, 95, 99, 104, 109, 110, 111, 112, 115, 116, 118, 119, 121, 123, 124, 137, 139, 147, 151, 153, 165, 174, 178, 179, 186, 190, 191, 192, 199; to sign address to King, 77; eastern Indians, 101; memorial, 131, 205; summoned, 156; petition, 202; censor of New-England Courant, 208.
Willard, Josiah, *corporal*, 196; petition, 206.
Willard, Samuel, *sergeant*, petition, 149, 202; muster-roll, 160, 196.
Willard, Simon, *captain*, 93; petition, 27, 216.
Williams, Nathaniel, account, 179.
Williams, W., 183.
Willington, John, of Watertown, petition, 67.
Willis, Samuel, petition, 13, 37.
Wilson, William, 22.
Wines, imported without duty, 57.
Winslow, Edward, sheriff, account, 12, 153, 170, 184, 185; petition, 19; memorial, 139.
Winslow, Isaac, 6, 49, 130, 132, 214; councillor, 3; accounts, 90, 120.
Winslow, John, petition, 126.
Winslow, Joseph, 30, 31, 33; petition, 89.
Winslow, Josiah, *lieut.*, 159.
Winter Harbor, 40; Fort Mary, 28, 162.
Winthrop, Adam, 25, 126, 144, 151; councillor, 3; Indian damages, 35; New York and Indians, 81; instructions, 204.
Wise, John, *rev.*, election sermon, 170.
Wohurn, representative, 1.
Wolcott, Josiah, 7, 84, 182, 186, 190, 192; member for Salem, 1; treasurer's accounts, 6; loan accounts, 12; report of war committee, 180.
Wood, Daniel, member for Dartmouth, 2; petition, 175, 185.
Wood Mill, 21.
Woodbridge, Benjamin, account, 81.
Woodell, Gershom, member for Tiverton, 2; petition, 43; expelled, 43, 89.
Woodman, Jonathan, member for Bradford, 1.
Woods, Nathaniel, 160, 213.
Woodstock, 133; representative, 1.
Worcester, 12, 24, 84, 115, 161, 176; town privileges, 14, 24; meeting-house, 145; muster-rolls, 165.
Wrentham, 127.
Wright, B., of Northfield, petition, 72.
Wright, Samuel, *captain*, of Rutland, to call town meeting, 73; muster-roll, 160, 169.
Wyle, Richard, *sergeant*, of Westborough, muster-roll, 161.

Yarmouth, representative, 2; precinct set off, 25.
York, John, North Yarmouth, 50.
York, representative, 2; scout, 56, 82, 92.
York County, accounts, 8; defence, 87; on muster-rolls, 105, 158, 159, 194, 200, 201; Indian treaty, 113.
Young, John, 94, 177, 203, 208.

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